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ABSTRACT

This compilation of Federal legislation contains copies of twelve Public Laws, four Executive Orders, and five International Conventions relevant to water pollution control. It also contains two Public Laws and two Executive Orders pertaining to environmental quality. There is a brief introduction summarizing the provisions of each Act. (AL)

EDO 44306

91st Congress
2d Session } COMMITTEE PRINT

(91-33)

LAWS OF THE UNITED STATES RELATING TO WATER POLLUTION CONTROL AND ENVIRONMENTAL QUALITY

COMPILED BY THE

COMMITTEE ON PUBLIC WORKS
U.S. HOUSE OF REPRESENTATIVES

JULY 1970

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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INTRODUCTION

This Committee print is an updated compilation of legislation developed by the Committee on Public Works in the field of water pollution control and environmental quality.

The Public Works Committee is basically concerned with environment and development. In the minds of some people these two areas are diametrically opposed. We know, however, that development is necessary to provide the food, water, transportation and economic well-being necessary for our growing population. We take as our approach that reasoned development is essential—development which considers environmental values in relationship to public need.

The Committee's long history as a guardian of our environment is evidenced by its pioneering work in water pollution control. Prior to the Reorganization Act of 1946 there had been some legislation enacted in this general field—The Refuse Act of 1899, The Public Health Service Act of 1912 and The Oil Pollution Act of 1924. However, it was not until after the Committee on Public Works was established and considered the problem of water pollution control to be sufficiently serious for national attention that, in 1948, the first comprehensive measure aimed specifically at that problem was enacted. This landmark legislation was Public Law 80–845.

Public Law 80–845 essentially had a five-fold purpose:

1. Authorized the Surgeon General to assist in and encourage state studies and plans, interstate compacts, and creation of uniform state laws to control pollution.
2. Supported research.
3. Authorized the Department of Justice to bring suits to require an individual or firm to cease practices leading to pollution—suits could be brought only after notice and hearing, and only with the consent of the State.
4. Established the Federal Water Pollution Control Advisory Board.
5. Provided authorization for funding.
   a. $22.5 million a year for Fiscal Years 1949–1953 for low interest (2 percent) loans for construction of sewage and waste treatment works. Loans limited to $250,000 or one-third the cost of the project.
   b. $1 million a year for Fiscal Years 1949–1953 for grants to States for pollution studies.
   c. $800,000 a year for Fiscal Years 1949–1953 for grants to aid in drafting construction plans for water pollution control projects.

Public Law 82–579, enacted in 1952 extended the provisions of the 1948 Act for an additional three years through Fiscal Years 1954–1956.

The emergence of the national water pollution control program as a permanent program came about with the enactment of Public Law 84–660 in 1956. This Act, which was brought about by the efforts of the Public Works Committee, provided legislation of a comprehensive nature and permitted Federal participation in a wide variety of activities, including Federal-State cooperation in developing comprehensive programs, increased technical assistance, intensified and broadened research, provided $3 million a year in grants for Fiscal Years 1957–1961 to assist in the preparation of State plans for pollution control, $500 million for grants to help local communities build sewage treatment plants for Fiscal Years 1957–1966, and modified and simplified enforcement measures for controlling pollution of interstate waters.

In 1961, the Nation was beginning to realize the need for an active and accelerated water pollution control program. After considerable hearings, the Public Works Committee recommended to the Congress H.R. 6441 and this eventually became enacted as Public Law 87–88. The major provisions of that Act were as follows:

1. Vested administration of program in Secretary of Health, Education, and Welfare (previously Surgeon General).

2. Authorize grants to local communities for sewage treatment plants of:

a. $80 million in Fiscal Year 1962
b. $90 million in Fiscal Year 1963
c. $100 million in Fiscal Years 1964–1967.

3. Raised Federal contribution to 30 percent of total cost or $600,000 whichever was less (formerdy 30 percent or $250,000).

4. Permitted Federal grants as high as $2.4 million where communities unite to build one project.

5. Authorized seven regional laboratories for research and demonstration in improved methods of sewage treatment and control.

6. Permitted the HEW Secretary, through the Justice Department, to bring court suits to require an offender to cease activities causing pollution in interstate waters without seeking permission of the State.

7. Extended pollution abatement procedures of the Act to navigable intrastate and coastal waters, but required permission of owners before Federal enforcement suit could be brought to stop activities in such waters. (Previously, abatement procedures applied only to interstate waters).

The water pollution control program as we know it today was put into present shape by enactment of The Water Quality Act of 1965 and The Clean Waters Restoration Act of 1966.

Under The Water Quality Act of 1965, the States were given the initial opportunity of adopting by June 30, 1967, water quality standards for their interstate waters, and plans to implement and enforce the standards for approval by the Secretary of Interior as Federal standards. (The Reorganization Plan No. 2 which was effective May 10, 1966, transferred the Federal Water Pollution Control Administration, as well as most of the functions of the Secretary of HEW authorized by the Federal Water Pollution Control Acts, to the Secretary of the Interior.) If a State fails to adopt adequate criteria

and plans, the Secretary is authorized to initiate Federal actions to establish standards.

The Water Quality Act of 1965 also provided for grants for research and development in better methods of controlling pollution from stormwater and combined sewer overflows and for increased amounts for constructing sewage treatment works ($150 million for Fiscal Years 1966 and 1967).

The Clean Water Restoration Act of 1966 authorized a massive Federal participation in the construction of sewage treatment grants. The legislation authorized a total Federal expenditure of $3,550,000,000 during Fiscal Years 1967–1971. Unfortunately, despite the demonstrated need for such Federal expenditures, the appropriations for Fiscal Years 1967–1970 have been just a little over 50 percent of the authorized amounts.

The Water Quality Act of 1970 is the latest of the major water pollution control legislation originating in the Committee on Public Works. This legislation included major innovations in the law concerning oil pollution from vessels and on-shore and off-shore facilities, Federal permits and licenses, sewage pollution from vessels, and hazardous substances discharged into the waters of the United States. In addition, one of the most important provisions is the creation of the Office of Environmental Quality to furnish staff support for the Council of Environmental Quality established pursuant to Public Law 91–190. This staff will monitor the national federal pollution control efforts and the Committee is certain that it will be in the forefront of our national effort to preserve our environment.

This compilation should prove to be a valuable working tool to the Committee in its consideration of future legislative action and to everyone who has an interest in this field.

GEORGE H. FALLON,
Chairman, Committee on Public Works.

SECTION I

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED [1]

(33 U.S.C. 466 et seq.)

Note: Functions of the Secretary of Health, Education, and Welfare under this Act were transferred, effective May 10, 1966, to the Secretary of the Interior, pursuant to Reorganization Plan No. 2 of 1966. The reorganization plan excepted from the transfer certain functions related to public health aspects of water pollution. This print of the Act reflects the transfer of functions pursuant to the reorganization plan. See text of reorganization plan, Appendix A.

DECLARATION OF POLICY

SECTION. 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.[2]

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of the Interior (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of the Interior designated by him, shall supervise and direct the head of such Administration in administering this Act. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

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[1] Basic Act (Public Law 84–660), approved July 9, 1956, amended by the Federal Water Pollution Control Act Amendments of 1961 (Public Law 87–88), approved July 20, 1961, by the Water Quality Act of 1965 (Public Law 89–234), approved October 2, 1965, by the Clean Water Restoration Act of 1966 (Public Law 89–753), approved November 3, 1966, and by the Water Quality Improvement Act of 1970 (Public Law 91–224), approved April 3, 1970.

[2] This subsection added by sec. 1, P.L. 87–88.

FEDERAL WATER QUALITY ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section [3] there is created within the Department of the Interior a Federal Water Quality Administration [4] (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to, the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)[5](1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

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[3] This section added by sec. 2, Public Law 89–234.
[4] This name added by sec. 110 Public Law 91–224.
[5] This subsection added by sec. 2, Public Law 87–88.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)[6](1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

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[6] This subsection added by sec. 101, Public Law 89–753.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph [7]; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d)[8] In carrying out the provisions of this section the Secretary shall

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[7] This proviso added by sec. 3, Public Law 87–88.

[8] Sec. 3(b), Public Law 87–88, was amended by sec. 201(c), Public Law 89–753. Amendment strikes out "(1)" before remaining language of subsection, and strikes out this provision: "(2) for the purposes of this subsection there is authorized to be appropriated not more than $5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed $25,000,000."

develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e)[9] The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f)[9] The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g)[10](1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

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[9] This subsection added by sec. 3, Public Law 87–88.
[10] This subsection added by sec. 105, Public Law 91–224.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications."

(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.[7]

(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills."

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.[11]

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.[11]

(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.[11]

(l) (1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.[11]

(m) (1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the

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[11] These subsections added by sec. 105, Public Law 91–224.

effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, June 30, 1969, June 30, 1970, and June 30, 1971 to carry out the purposes of this subsection.[12]

(5) For the purpose of this subsection, the term "estuarine zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.[13]

(n) There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal

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[12] Extension added by sec. 105, Public Law 91–224.
[13] This subsection added by sec. 201(b), Public Law 89–753, renumbered by sec. 105, Public Law 91–224.

year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.[14]

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6.[15] (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of

[14] This subsection originally added by sec. 201(d), Public Law 89–753, amended by sec. 105, Public Law 91–224.

[15] This subsection originally added by sec. 6. Public Law 89–234, amended by sec. 201 (a), Public Law 89–753.

treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next five succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next four succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next four succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).[16]

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) [17] There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the

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[16] This subsection amendesd by sec. 106, Public Law 91–224, approved April 3, 1970.
[17] This subsection amended by sec. 202, Public Law 89–753.

cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan——

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).[18]

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that——

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the

[18] Added by sec. 4(b), Public Law 87–88.

Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)[19](1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate

[19] Amended by sec. 23, Public Law 86-624.

agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Fed-

eral grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.[20]

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsections (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,[21] shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b) (1) of this section and certified as entitled to priority under subsection (b) (4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds including States having projects eligible for reimbursement pursuant to the sixth and seventh sentence of this subsection:[22] Provided, however, that whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the

[20] Subsection 8(b) amended by section 203, P.L. 89–753.
[21] Added by sec. 4, Public Law 89–234.
[22] Added by sec 111, Public Law 91–224.

second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except [23] that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a findings by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d)[23a] There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each

[23] Reimbursement provision added by sec. 204, Public Law 89–753.
[24] This subsection amended by sec. 205, Public Law 89–753.

fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.[25]

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5).[26] The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).[26]

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[25] Added by sec. 4, Public Law 89–234.
[26] Added by sec. 5, Public Law 89–234.

WATER POLLUTION CONTROL ADVISORY BOARD

Sec. 9. (a) (1) There is hereby established in the Department of the Interior a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman [27] and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of the Interior.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

Sec. 10. (a) The pollution of interstate or navigable [28] waters in or adjacent to any State or States (whether the matter causing or contrib-

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[27] Reorganization Plan No. 2 of 1966 provided that the Secretary of Health, Education, and Welfare shall be an additional member of the Board.
[28] Phrase added by sec. 7, Public Law 87–88.

uting to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons [28] shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters [28] shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h), be displaced by Federal enforcement action.

(c) (1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection,[29] a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for navigation.[30]

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect,

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[29] This subsection added by sec. 5(a), Public Law 89–234.
[30] Last sentence added by sec. 112, Public Law 90–224.

before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board [31] and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the Standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a

[31] Reorganization Plan No. 2 of 1966 provided that the Secretary of the Interior shall give the Secretary of Health, Education, and Welfare an opportunity to select a member of the Hearing Board.

determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d) (1)[32] Whenever requested by the Governor of any State or State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring[33] or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2)[34] Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country

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[32] Amended by sec. 7, Public Law 87–88.
[33] Remainder of sentence added by sec. 5(b), Public Law 89–234.
[34] This paragraph added by sec. 206, Public Law 89–753.

is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition,[35] it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.[36]

(f) (1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary.

[35] This sentence added by sec. 207, Public Law 89–753.
[36] Amended by sec. 7, Public Law 87–88.

Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board [37] and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be [38] the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) [39] In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) [40] If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of

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[37] Reorganization Plan No. 2 of 1966 provided that the Secretary of the Interior shall give the Secretary of Health, Education, and Welfare an opportunity to select a member of the Hearing Board.
[38] This sentence added by sec. 208(b), Public Law 89–753.
[39] This paragraph added by sec. 208(b), Public Law 89–753.
[40] Subparagraphs added by sec 208(b), Public Law 89–753.

the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4)[40] It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g)[41] If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.[42]

(j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.[42]

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[41] Amended by sec. 7, Public Law 87–88.
[42] Amended by sec. 7, Public Law 87–88.

(k)[43](1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

CONTROL OF POLLUTION BY OIL[44]

SEC. 11. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) "public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility,

[43] This subsection added by sec. 208(a), Public Law 89–753.
[44] Added by sec. 102, Public Law 91–224.

any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) "person" includes an individual, firm, corporation, association, and a partnership;

(8) "remove" or "removal" refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

(12) "act of God" means an act occasioned by an unanticipated grave natural disaster;

(13) "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(3) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten

to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operators ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

(c) (1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

(B) identification, procurement, maintenance, and storage of equipment and supplies;

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the U[illegible]ed States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(e) In addition to any other action taken by a State or local government, when the President determines there as an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in

which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b) (2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an

act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operatior shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b) (2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b) (2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b) (2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(i) (1) In any case where an owner or operator of a vessel or an on-

shore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and

instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i) (1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o) (1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provsion of law, or to affect any State or local law not in conflict with this section.

(p) (1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be estab-

lished by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary.

(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES [45]

SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

[45] Added by sec. 102, Public Law 91-224.

(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(f) (1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

(2) For the purpose of this section, the term—

(A) "remove" or "removal" refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(B) "owner or operator" means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the

President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

CONTROL OF SEWAGE FROM VESSELS [46]

SEC. 13. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(4) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

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[46] Added by sec. 102, Public Law 91–224.

(9) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b) (1) and certifications under subsection (g) (2) of this section shall be promulgated and issued by the Secretary of Defense.

(e) Before the standards and regulations under this section are pro-

mulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or

the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g) (1) and subsections (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates subsection (g) (1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coard Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in

attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS [47]

SEC. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 percentum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

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[47] Added by sec. 102, Public Law 91–224.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 percentum of the total funds available under this section in any one year shall be granted to any one State.

POLLUTION CONTROL IN GREAT LAKES [48]

SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

TRAINING GRANTS AND CONTRACTS [48]

SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

[48] Sections added by sec. 102, Public Law 91–224.

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS [49]

SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18.

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

(3) (A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

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[49] Sections added by sec. 102, Public Law 91–224.

AWARD OF SCHOLARSHIPS [49]

SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4) (A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents)) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he

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may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

DEFINITIONS AND AUTHORIZATIONS [50]

SEC. 19. (1) As used in sections 16 through 19 of this Act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

ALASKA VILLAGE DEMONSTRATION PROJECTS [51]

SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demon-

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[50] Added by sec. 102, Public Law 91–224.
[51] Added by sec. 102, Public Law 91–224.

strate methods to provide for central community facilities for safe water and elimination or control of water pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section.

COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION [52]

SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is

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[52] Amended by sec. 103, Public Law 91–224.

reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such state or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing of permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes

since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such

license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

(9) (A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION [53]

SEC. 22. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds

[53] This section renumbered by sec. 102, Public Law 91–224.

of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(e) The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

(f) (1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the secretary, and the awarding of such recognition shall be published in the Federal Register.[54]

DEFINITIONS [55]

SEC. 23. When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

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[54] Subsection (f) added by sec. 104, Public Law 91–224.
[55] This section renumbered by sec. 102, Public Law 91–224.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.[56]

OTHER AUTHORITY NOT AFFECTED [57]

SEC. 24. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY [58]

SEC. 25. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 26. (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provision of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He

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[56] "Indian tribe" and "authorized Indian tribal organization" added to definition by sec. 209, Public Law 89–753.
[57] Renumbered and amended by sec. 102, Public Law 91–224.
[58] Secs. 25 and 26 renumbered by sec. 102, Public Law 91–224.

shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.[59]

SHORT TITLE [60]

SEC. 27. This Act may be cited as the "Federal Water Pollution Control Act".

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[59] Section added by sec 210, Public Law 89–753.
[60] Renumbered by sec. 102 of Public Law 91–224.

Public Law 91-224
91st Congress, H. R. 4148
April 3, 1970

An Act

84 STAT. 91

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Water Pollution Control Act, amendments.

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

Citation of title.

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

Repeal.
80 Stat. 1252.
33 USC 466m, 466n.
33 USC 466 note.
70 Stat. 506; 79 Stat. 903.
33 USC 466h-1.

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

Definitions.

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership.

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

15 UST 1606.

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for
12 UST 2989. the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United
Penalty. States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

Penalty. "(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the

Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to— National Contingency Plan.

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not

limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action

against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i) (1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b) (2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continenta! Shelf Lands Act.

67 Stat. 462.
43 USC 1331 note.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

Regulations.

"(j) (1) Consistent with the National Contingency Plan required by subsection (c) (2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

Appropriation.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

Post, p. 98.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

Post, p.98.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

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Effective date.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

Report and recommendations to Congress and the President.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

Ante, p. 91.

"(b) Sections 551 through 559, inclusive (other than section 553 (c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

80 Stat. 381; 81 Stat. 54.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

Ante, p. 91.

"(2) For the purpose of this section, the term—

Definitions.

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

Presidential report and recommendations to Congress.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

Definitions.

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacture' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

Standards.
Post, p. 112.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards

and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised. Effective dates of standards and regulations.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code. 80 Stat. 383.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by

the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

Recordkeeping.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

62 Stat. 791.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g) (1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary. Penalty.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"Area Acid and Other Mine Water Pollution Control Demonstrations

"Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein

that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

Appropriation.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

Demonstration projects, Federal aid to States.

"SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

Appropriation.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

Colleges, water quality control.

"SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it— Conditions.

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports. Reports to Secretary.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section. Equitable distribution.

"(3) (A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section. Compensation of employed students.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

Program approval, conditions.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

Payments to recipient of scholarship and his college.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. (1) As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered. Accreditation. 79 Stat. 1269; 82 Stat. 1051. 20 USC 1141.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof. Annual report.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year. Appropriations.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program. Report to Congress.

"(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section." Appropriation.

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended, is amended to read as follows: Ante, p.

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards Federal agencies, alleged pollution, hearings.

and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

70 Stat. 504; 79 Stat. 903, 907. 33 USC 466g.

79 Stat. 907; 80 Stat. 1251.

Federal license, State certification.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

Public notification procedures.

Standards, enforcement.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If

the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

Prior inspection.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

Standards violation, license suspension.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

70 Stat. 504; 79 Stat. 903, 907.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

33 USC 466g.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

Failure to comply, license suspension.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

Ante, p. 91.

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivsions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection. Awards.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register." Notification to President of U.S., etc. Publication in Federal Register.

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows: 70 Stat. 499; 75 Stat. 205; 79 Stat. 903; 80 Stat. 1247. 33 USC 466c.

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes; 31 USC 529; 41 USC 5.

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was Report to President and Congress.

provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

Contract authority.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

Functions.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

Report to Congress.

Ante, p. 100.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

79 Stat. 907.
33 USC 466g.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

Pesticide release control study.

Report to Congress.

(3) in redesignated subsection (m) (4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

80 Stat. 1248.

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

Ante, p.111.

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

Research and development appropriation. 80 Stat. 1247.

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

Ante, p. 91.

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

Repeal. 33 USC 431.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

Prevention and control study.

Report to Congress.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (52 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

79 Stat. 903.

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

"Federal Water Quality Administration."

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack

75 Stat. 206; 79 Stat. 903. 33 USC 466e.

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of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

Water quality standards. 79 Stat. 908. 33 USC 466g.

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c) (3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

Office of Environmental Quality. Authorization. 83 Stat. 852.

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190.

OFFICE OF ENVIRONMENTAL QUALITY

Establishment.

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of

the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. 83 Stat. 852.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget. Pay.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5. Duties. 84 STAT. 114 84 STAT. 115 5 USC 5101-5115; 5331-5338. 34 F.R. 9605. 5 USC 5332 note.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions. Contract authority.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report. Referral to congressional committees.

AUTHORIZATION

Appropriations.

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

83 Stat. 852.

Approved April 3, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-127 (Comm. on Public Works) and No. 91-940 (Comm. of Conference).
SENATE REPORT No. 91-351 accompanying S. 7 (Comm. on Public Works).
CONGRESSIONAL RECORD:
Vol. 115 (1969): Apr. 15, 16, considered and passed House.
Oct. 7, 8, considered and passed Senate, amended, in lieu of S. 7.
Vol. 116 (1970): Mar. 24, Senate agreed to conference report.
Mar. 25, House agreed to conference report.

Public Law 89-753
89th Congress, S. 2947
November 3, 1966

An Act

80 STAT. 1246

To amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Restoration Act of 1966". Clean Water Restoration Act of 1966.

TITLE I

SEC. 101. Section 3 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following: 70 Stat. 498; 75 Stat. 204; 79 Stat. 903. 33 USC 466a.

"(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

"(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

"(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

"(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby." "Basin."

TITLE II

SEC. 201. (a) Section 6 of the Federal Water Pollution Control Act is amended to read as follows: 79 Stat. 905. 33 USC 466e-1.

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

"(1) assisting in the development of any project which will demonstate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

"(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement

to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

Limitations.

"(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

"(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

"(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(d) Federal grants under susbection (b) of this section shall be subject to the following limitations:

"(1) No grant shall be made under this section in excess of $1,000,000;

"(2) No grant shall be made for more than 70 per centum of the cost of the project; and

"(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

Appropriation.

"(e) For the purposes of this section there are authorized to be appropriated—

"(1) for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

"(2) for the fiscal year ending June 30, 1967, and for each of the next two succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

"(3) for the fiscal year ending June 30, 1967, and for each of the next two succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b)."

Estuarine zones, pollution study.
70 Stat. 499; 75 Stat. 205; 79 Stat. 903.
33 USC 466e.

(b) Section 5 of such Act is amended by adding at the end thereof the following new subsections:

"(g)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral

resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

"(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

"(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to— Report to Congress.

"(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

"(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

"(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

"(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, to carry out the purposes of this subsection. Appropriation.

"(5) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage. "Estuarine zones." "Estuary."

"(h) There is authorized to be appropriated to carry out this section, other than subsection (g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969. Sums so appropriated shall remain available until expended." Appropriation.

(c)(1) Subsection (d) of section 5 of the Federal Water Pollution Control Act is amended by striking out "(1)" and by striking out all of paragraph (2) of such subsection. 75 Stat. 205; 79 Stat. 903. 33 USC 466c.

(2) The amendment made by this subsection shall take effect July 1, 1967.

SEC. 202. (a) Subsection (a) of section 7 of the Federal Water Pollution Control Act is amended by striking out "and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, $5,000,000" and inserting in lieu thereof "for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000". Program grants. 33 USC 466d.

(b) Subsection (a) of section 7 of the Federal Water Pollution Control Act is further amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including the training of personnel of public agencies."

SEC. 203. (a) Subsection (b) of section 8 of the Federal Water Pollution Control Act is amended to read as follows: Construction grants.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant 70 Stat. 502; 79 Stat. 903. 33 USC 466e.

to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

70 Stat. 499; 79 Stat. 903. 33 USC 466d.

79 Stat. 903, 907. 33 USC 466g.

(b) The amendment made by subsection (a) of this section shall take effect July 1, 1967.

Effective date.

Sec. 204. The next to the last sentence of subsection (c) of section 8 of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be con-

75 Stat. 206; 79 Stat. 903. 33 USC 466e.

strued to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project."

SEC. 205. Subsection (d) of section 8 of the Federal Water Pollution Control Act is amended by striking out "and $150,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu thereof the following: "$150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971." 79 Stat. 903, 907. 33 USC 466e.

SEC. 206. Section 10(d) of the Federal Water Pollution Control Act is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting immediately after paragraph (1) the following new paragraph: Enforcement provisions. 70 Stat. 504; 79 Stat. 903, 907. 33 USC 466g.

"(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties." 36 Stat. 2448.

SEC. 207. Section 10(d)(3) of the Federal Water Pollution Control Act (as redesignated by this Act) is amended by inserting after the first sentence thereof the following: "In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference."

SEC. 208. (a) Section 10 of the Federal Water Pollution Control Act is further amended by adding at the end thereof the following new subsection:

"(k)(1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code. 62 Stat. 791.

80 STAT. 1251

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures."

75 Stat. 208; 79 Stat. 903, 907. 33 USC 466g.

(b) Subsection (f) of section 10 of the Federal Water Pollution Control Act is amended (1) by striking out "(f)" and inserting in lieu thereof "(f)(1)", (2) by inserting immediately after the third sentence thereof the following: "It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board.", and (3) by adding at the end thereof the following new paragraphs:

"(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code. 62 Stat. 791.

"(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forefeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

"(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures."

70 Stat. 506; 79 Stat. 903. 33 USC 466j.

SEC. 209. Paragraph (f) of section 13 of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and an Indian tribe or an authorized Indian tribal organization."

SEC. 210. The Federal Water Pollution Control Act, as amended, is amended by renumbering existing section 16 as section 19 and by adding immediately after section 15 the following new sections: 70 Stat. 507; 79 Stat. 903.

"SEC. 16. (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter. 33 USC 466 note. Cost estimates. Report to Congress.

"(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967. Personnel requirements. Report to President and Congress.

"SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967. Watercraft pollution study. Report to Congress.

"SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968." Incentive assistance to industries. Report to Congress.

SEC. 211. (a) The Oil Pollution Act, 1924 (43 Stat. 604; 33 U.S.C. 431 et seq.), is amended to read as follows: "That this Act may be cited as the 'Oil Pollution Act, 1924'. Oil Pollution Act, 1924, revision.

"SEC. 2. When used in this Act, unless the context otherwise requires— Definitions.

"(1) 'oil' means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;

"(2) 'person' means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; and any officer, agent or employee of the United States;

"(3) 'discharge' means any grossly negligent, or willful spilling, leaking, pumping, pouring, emitting, or emptying of oil;

"(4) 'navigable waters of the United States' means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact; and

"(5) 'Secretary' means the Secretary of the Interior.

Prohibitions.

"SEC. 3. (a) Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any boat or vessel of oil by any method, means, or manner into or upon the navigable waters of the United States, and adjoining shorelines of the United States.

"(b) Any person discharging or permitting the discharge of oil from any boat or vessel, into or upon the navigable waters of the United States shall remove the same from the navigable waters of the United States, and adjoining shorelines immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalties prescribed in section 4 of this Act, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States, and adjoining shorelines of the United States. These costs and expenses shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem.

"(c) The Secretary may prescribe regulations which—

"(1) permit the discharge of oil from boats or vessels in such quantities under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

"(2) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States, and adjoining shorelines of the United States.

Penalties.

"SEC. 4. (a) Any person who violates section 3(a) of this Act shall, upon conviction thereof, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

"(b) Any boat or vessel other than a boat or vessel owned and operated by the United States from which oil is discharged in violation of section 3(a) of this Act shall be liable for a penalty of not more than $10,000. Clearance of a boat or vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which such boat or vessel may be.

80 STAT. 1253

80 STAT. 1254

"SEC. 5. The Commandant of the Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any boat or vessel found violating the provisions of section 3 of this Act.

Enforcement provisions.

"SEC. 6. In the administration of this Act the Secretary may, with the consent of the Commandant of the Coast Guard or the Secretary of the Army, make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed by the Coast Guard or the Department of the Army, respectively, for the preservation and protection of navigable waters of the United States.

For the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, and persons employed by the Secretary, and officers of the Customs and Coast Guard of the United States shall have the power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of such provisions, except that no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid persons. Whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

"SEC. 7. This Act shall be in addition to other laws for the preservation and protection of navigable waters of the United States and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws."

(b) The amendment made by subsection (a) of this section shall take effect on the thirtieth day which begins after the date of enactment of this Act. Effective date.

Approved November 3, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 2021 accompanying H. R. 16076 (Comm. on Public Works) and No. 2289 (Comm. of Conference).
SENATE REPORT No. 1367 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 112 (1966):
July 13: Considered and passed Senate.
Sept. 30: Considered and passed House, amended, in lieu of H. R. 16076.
Oct. 17: House and Senate agreed to conference report.

90/91

Public Law 89-234
89th Congress, S. 4
October 2, 1965

An Act

79 STAT. 903

To amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:

Water Quality Act of 1965.
70 Stat. 498.

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

Administration.

(b) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of Health, Education, and Welfare who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretary to the same extent as they are applicable to the Assistant Secretaries authorized by that section. Paragraph (17) of section 303(d) of the Federal Executive Salary Act of 1964 (78 Stat. 418) is amended by striking out "(5)" before the period at the end thereof and inserting in lieu thereof "(6)."

Additional Assistant Secretary of Health, Education, and Welfare.

5 USC 623 note.

Ante, p. 449.

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his

Establishment.

functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

Transferring officers.

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was, as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

Retirement credit.

(c) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

70 Stat. 743.
5 USC 2251 note.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(e) of the Civil Service Retirement Act (5 U.S.C. 2254(e)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

Ante, pp. 290, 379.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability. Insurance coverage. 68 Stat. 736. 5 USC 2091 note.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free. Compensation. 63 Stat. 954. 5 USC 1071 note. "Equalization factor."

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave. Sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration. Special retirement provisions.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and Combined sewer systems, pollution control.

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sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstrations relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

31 USC 529.
41 USC 5.

Grant limitations.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

Appropriation.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes of this section. Sums so appropriated shall remain available until expended. No grant or contract shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

Treatment plant construction grants.
70 Stat. 502; 75 Stat. 206.
33 USC 466e.

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "$600,000," and inserting in lieu thereof "$1,200,000,".

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "$2,400,000," and inserting in lieu thereof "$4,800,000,".

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of $1,200,000 and $4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d) (1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,".

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences". 75 Stat. 206. 33 USC 466e.

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1966, and $100,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1966, and $150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z—15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)." 63 Stat. 108.

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

Increased grants for urban planning.

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

"Metropolitan area."

Sec. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j), and by inserting after subsection (b) the following new subsection: 70 Stat. 504; 75 Stat. 208. 33 USC 466g.

Water quality standards.

."(c) (1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before

June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

"(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

"(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

Hearings.

"(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promul-

60 Stat. 808; 75 Stat. 339, 340.

Publication in Federal Register.

gated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

"(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. Water standards violations.

"(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

"(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes."

(b) Paragraph (1) of subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities." 75 Stat. 208; Ante, p.907. 33 USC 466g.

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections: 70 Stat. 506. 33 USC 4661.

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. Records.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and Audit of books, etc.

examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)." as contained therein and inserting in lieu thereof "section 8(b)(4).".

75 Stat. 206.
33 USC 466d.

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

33 USC 466e.

(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (h)".

33 USC 466g.

(d) Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (f)".

(e) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" and inserting in lieu thereof "section 10(d)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(f)".

75 Stat. 210.
33 USC 466h.

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

Short title.

Approved October 2, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 215 (Comm. on Public Works) and
No. 1022 (Comm of Conference).
SENATE REPORT No. 10 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 111 (1965):
Jan. 28: Considered and passed Senate.
Apr. 28: Considered and passed House, amended.
Sept. 21: House and Senate agreed to conference report.

Public Law 87-88
87th Congress, H. R. 6441
July 20, 1961

An Act

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 1(a) of the Federal Water Pollution Control Act (33 U.S.C. 466(a)) is amended to read as follows: "To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the 'Secretary') shall administer this Act."

Federal Water Pollution Control Act Amendments of 1961. 70 Stat. 498.

(b) Sections 2, 3, 4, 5, 6, 7, and 8(c)(3), and the first sentence of section 10(a), of such Act are each amended by striking out "Surgeon General" and "Surgeon General's" wherever they appear therein and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

33 USC 466a-466g, 466l.

(c) Sections 4(a) and 7(c) of such Act are each amended by striking out "Public Health Service" and inserting in lieu thereof "Department of Health, Education, and Welfare".

(d) Sections 7(a)(2)(B) and 10(b) of such Act are each amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary".

(e) Section 10(a) of such Act is amended by striking out the second and third sentences thereof.

SEC. 2. Section 2 of the Federal Water Pollution Control Act is amended by inserting "(a)" after "SEC. 2." and by inserting at the end of such section the following:

"(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

Water quality control.

"(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

Storage.

"(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

75 STAT. 204.

"(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable."

75 STAT. 205.

SEC. 3. (a) The proviso in paragraph (4) of subsection (a) of section 4 of the Federal Water Pollution Control Act is amended to read as follows: "*Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph;".

Report to Congress.

(b) Section 4 of such Act is further amended by inserting at the end thereof the following new subsections:

Research, etc.

"(d)(1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

"(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

Appropriation.

"(2) For the purposes of this subsection there is authorized to be appropriated not more than $5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed $25,000,000.

"(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

"(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters."

Grants to States, etc.

SEC. 4. (a) Subsection (a) of section 5 of the Federal Water Pollution Control Act is amended by inserting immediately following "June 30, 1961, $3,000,000" the following: ", and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, $5,000,000".

75 STAT. 205.

75 STAT. 206.

(b) Subsection (f) of section 5 of the Federal Water Pollution Control Act is amended by striking out "and" at the end of paragraph (4) thereof, by striking out the period at the end of paragraph (5) thereof and inserting in lieu thereof the following: "; and", and by adding after such paragraph (5) the following new paragraph:

"(6) sets forth the criteria used by the State in determining priority of projects as provided in section 6(b)(4)."

Effective dates.

(c) The amendment made by subsection (a) of this section shall take effect July 1, 1961.

(d) The amendment made by subsection (b) of this section shall take effect July 1, 1962.

Limitations.

SEC. 5. (a) Clause (2) of subsection (b) of section 6 of the Federal Water Pollution Control Act is amended to read as follows: "(2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding $600,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than

one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or $2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works;".

(b) Subsection (b) of such section 6 is further amended by striking out "and" at the end of clause (3) and by inserting before the period at the end of clause (4): "; and (5) no grant shall be made under this section for any project in any State in an amount exceeding $250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to the date of enactment of this clause".

Reallocation of unobligated sums.

(c) The third sentence of subsection (c) of such section 6 is amended to read as follows: "Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however*, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section."

Special provisions.

75 STAT. 206.
75 STAT. 207.

Appropriations.

(d) Subsection (d) of such section 6 is amended to read as follows:

"(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $100,000,000 for the fiscal year ending June 30, 1966, and $100,000,000 for the fiscal year ending June 30, 1967. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 percent of the

Restriction.

funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under."

Rate of wages for laborers and mechanics.

(e) Section 6 is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similiar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5)."

Water Pollution Control Advisory Board.

SEC. 6. (a) The first sentence of subsection (a)(1) of section 7 of the Federal Water Pollution Control Act is amended to read as follows: "There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees."

(b) The first sentence of subsection (a)(2)(A) of such section 7 is amended by inserting before the period at the end thereof: ", and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective".

(c) Members of the Water Pollution Control Advisory Board (established pursuant to section 7(a) of the Federal Water Pollution Control Act as in effect prior to enactment of this Act) serving immediately before the date of enactment of this Act shall be members of the Water Pollution Control Advisory Board, established by the amendment made by subsection (a) of this section, until the expiration of the terms of office for which they were appointed.

33 USC 466g.

SEC. 7. (a) Subsection (a) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

75 STAT. 207.
75 STAT. 208.

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

"SEC. 8. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act."

(b) Subsection (b) of such section 8 is amended by striking out "interstate waters" and inserting in lieu thereof "interstate or navigable waters".

(c) Paragraph (1) of subsection (c) of such section 8 is amended to read as follows:

Notification of pollution.

"(c)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such

discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring."

Conference of State and interstate agencies.

(d) Paragraph (3)(A) of subsection (c) of such section 8 is amended by striking out "interstate" and inserting in lieu thereof "interstate or navigable".

(e) Subsections (d), (e), and (f) of such section 8 are amended to read as follows:

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

Remedial action.

"(e) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter

Public hearing.

75 STAT. 208.
75 STAT. 209.

Hearing Board.

Notice of hearing.

causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

Enforcement action. Authority.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

"(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution."

Per diem allowances.

(f) Subsection (h) of such section 8 is amended to read as follows:

"(h) Members of any Hearing Board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

60 Stat. 808.

Definitions.

"(i) As used in this section the term—

"(1) 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

75 STAT. 209.

75 STAT. 210.

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

Discharges from Federal installations.

SEC. 8. Section 9 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentences: "In his summary of any conference pursuant to section 8(c)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 8(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board."

33 USC 466j.

SEC. 9. Section 11 of the Federal Water Pollution Control Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

Definitions.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(e) The term 'interstate waters' means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters."

SEC. 10. Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319), is amended by striking out all beginning with "*Provided*," in the first proviso to the colon at the end of the second proviso and inserting in lieu thereof the following: "*Provided*, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further*, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further*, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project".

Water Supply Act of 1958, amendment. 43 USC 390b. Construction costs, payments.

Agreements.

Future demands.

SEC. 11. This Act may be cited as the "Federal Water Pollution Control Act Amendments of 1961".

Short title.

Approved July 20, 1961, 12:25 p.m.

Public Law 660 - 84th Congress,
Chapter 518 - 2d Session
S. 890

AN ACT

All 70 Stat. 498.

To extend and strengthen the Water Pollution Control Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Pollution Control Act (33 U. S. C. 466–466j) is hereby amended to read as follows:

Water Pollution Control Act Amendments of 1956. 62 Stat. 1155.

"DECLARATION OF POLICY

"SECTION 1. (a) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. To this end, the Surgeon General of the Public Health Service shall administer this Act through the Public Health Service and under the supervision and direction of the Secretary of Health, Education, and Welfare.

Administration of Act.

"(b) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 2. The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Surgeon General is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

Joint investigations.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 3. (a) The Surgeon General shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they

may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 4. (a) The Surgeon General shall conduct in the Public Health Service and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Surgeon General is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

31 USC 529; 41 USC 5.

"(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U. S. C. 55a);

60 Stat. 810.

"(4) establish and maintain research fellowships in the Public Health Service with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the total sum authorized to be appropriated for any fiscal year for fellowships pursuant to this subparagraph shall not exceed $100,000; and

"(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

"(b) The Surgeon General may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

"(c) The Surgeon General shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

"GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

"SEC. 5. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000 for grants to States and to interstate agencies to assist them in meeting the

costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

"(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

"(c) From the sums available therefor for any fiscal year the Surgeon General shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

"(d) From each State's allotment under subsection (c) for any fiscal year the Surgeon General shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

"(e) From the sums available therefor for any fiscal year the Surgeon General shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Surgeon General finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

Approval of State or interstate plans.

"(f) The Surgeon General shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

"(2) provides that such agency will make such reports, in such form and containing such information, as the Surgeon General may from time to time reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

"(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution; and

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan.

The Surgeon General shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

"(g) (1) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

"(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

"(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Surgeon General shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Surgeon General shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

Appeals.

"(2) If any State or any interstate agency is dissatisfied with the Surgeon General's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Surgeon General, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Surgeon General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

62 Stat. 928.

"Federal share".

"(h) (1) The 'Federal share' for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Hawaii and Alaska shall be 50 per centum, and for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

"(2) The 'Federal shares' shall be promulgated by the Surgeon General between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Surgeon General pursuant to section 4 of the Water Pollution Control Act Amendments of 1956, shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

"(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

Method of computation and payment.

"(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

"(1) The Surgeon General shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the

case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Surgeon General may find necessary.

"(2) The Surgeon General shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Surgeon General may determine.

"GRANTS FOR CONSTRUCTION

"SEC. 6. (a) The Surgeon General is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General or in an amount exceeding $250,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs. Limitations.

"(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Surgeon General to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Surgeon General from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient

obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. The allotment of a State under the preceding sentence shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

Appropriation.

"(d) There are hereby authorized to be appropriated for each fiscal year the sum of $50,000,000 for the purpose of making grants under this section: *Provided*, That the aggregate of sums so appropriated shall not exceed $500,000,000. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 per centum of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

"(e) The Surgeon General shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term 'construction' includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

Inclusion of preliminary planning in construction.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 7. (a) (1) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board, composed of the Surgeon General or a sanitary engineer officer designated by him, who shall be chairman, and nine members appointed by the President none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

"(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term, but terms commencing prior to the enact-

ment of the Water Pollution Control Act Amendments of 1956 shall not be deemed 'preceding terms' for purposes of this sentence.

"(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U. S. C. 73b-2) for persons in the Government service employed intermittently. Compensation. 60 Stat. 808.

"(b) The Board shall advise, consult with, and make recommendations to the Surgeon General on matters of policy relating to the activities and functions of the Surgeon General under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE WATERS

"SEC. 8. (a) The pollution of interstate waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of persons in a State other than that in which the discharge originates, shall be subject to abatement as herein provided.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (g), be displaced by Federal enforcement action.

"(c) (1) Whenever the Surgeon General, on the basis of reports, surveys, or studies, has reason to believe that any pollution referred to in subsection (a) is occurring, or whenever requested by a State water pollution control agency or the Governor of any State, he shall give formal notification of any such pollution to the State water pollution control agency and interstate agency, if any, of the State or States where the discharge or discharges causing or contributing to such pollution originates and shall call promptly a conference of the State water pollution control agencies and interstate agencies, if any, of the State or States where the discharge or discharges causing or contributing to such pollution originates and of the State or States claiming to be adversely affected by such pollution. Conferences.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

"(3) Following this conference, the Surgeon General shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(d) If the Surgeon General believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of persons in a State other than that in which the discharge originates is being endangered, he shall recommend to the appropriate State water

pollution control agency that it take necessary remedial action. The Surgeon General is to allow at least six months for the taking of such action.

Public hearings.

"(e) If such remedial action is not taken or action reasonably calculated to secure abatement of such pollution is not taken, the Secretary of Health, Education, and Welfare shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of said hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the board finds such pollution is occurring and effective progress toward abatement is not being made it shall make recommendations to the Secretary of Health, Education, and Welfare concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency, and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

Suits on behalf of U. S.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary of Health, Education, and Welfare, with the written consent of the State water pollution control agency (or any officer or employee authorized to give such consent) of the State or States where the matter causing or contributing to the pollution is discharged or at the written request of the State water pollution control agency (or any officer or employee authorized to make such request) of any other State or States where the health or welfare of persons is endangered by such pollution, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

"(g) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"Person".

"(h) As used in this section, the term 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of the State.

"COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

"SEC. 9. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters.

"ADMINISTRATION

"SEC. 10. (a) The Surgeon General is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. All regulations of the Surgeon General under this Act shall be subject to the approval of the Secretary of Health, Education, and Welfare. The Surgeon General may delegate to any officer or employee of the Public Health Service such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) The Secretary of Health, Education, and Welfare, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act. Appropriations.

"DEFINITIONS

"SEC. 11. When used in this Act—

"(a) The term 'State water pollution control agency' means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

"(b) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

"(c) The term 'treatment works' means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

"(d) The term 'State' means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

"(e) The term 'interstate waters' means all rivers, lakes, and other waters that flow across, or form a part of, boundaries between two or more States.

"(f) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

"OTHER AUTHORITY NOT AFFECTED

"SEC. 12. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes', approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

43 Stat. 604.
33 USC 431.

30 Stat. 1121.
33 USC 401, 403, 404, 406-409, 411-416, 418, 549, 686, 687.

"SEPARABILITY

"SEC. 13. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'Federal Water Pollution Control Act'."

SEC. 2. The title of such Act is amended to read "An Act to provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes."

Expiration of terms of office.

SEC. 3. Terms of office as members of the Water Pollution Control Advisory Board (established pursuant to section 6 (b) of the Water Pollution Control Act, as in effect prior to the enactment of this Act) subsisting on the date of enactment of this Act shall expire at the close of business on such date.

SEC. 4. As soon as possible after the date of enactment of this Act the Surgeon General shall promulgate Federal shares in the manner provided in subsection (h) of section 5 of the Water Pollution Control Act, as amended by this Act (and without regard to the date specified therein for such promulgation), such Federal shares to be conclusive for the purposes of section 5 of such Act for the period beginning July 1, 1956, and ending June 30, 1959.

SEC. 5. In the case of any discharge or discharges causing or contributing to water pollution with respect to which the actions by the Surgeon General prescribed under paragraph (2) of section 2 (d) of the Water Pollution Control Act, as in effect prior to the enactment of this Act, have already been completed prior to such enactment, the provisions of such section shall continue to be applicable; except that nothing in this section shall prevent action with respect to any such pollution under and in accordance with the provisions of the Water Pollution Control Act, as amended by this Act.

SEC. 6. This Act may be cited as the "Water Pollution Control Act Amendments of 1956".

Approved July 9, 1956.

Public Law 579 - 82d Congress
Chapter 927 - 2d Session
H. R. 6856

AN ACT

66 Stat. 755.

To extend the duration of the Water Pollution Control Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953" where they occur in section 7 and subsections (a), (c), (d), and (e) of section 8 of the Water Pollution Control Act (Public Law 845, Eightieth Congress), are hereby amended to read "each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956".

62 Stat. 1159.
33 U.S.C. §§ 466f, 466g.

Approved July 17, 1952.

[PUBLIC LAW 845—80TH CONGRESS]
[CHAPTER 758—2D SESSION]

[S. 418]

AN ACT

To provide for water pollution control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the abatement of stream pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution, to support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment, and to provide Federal technical services to State and interstate agencies and to industries, and financial aid to State and interstate agencies and to municipalities, in the formulation and execution of their stream pollution abatement programs. To this end, the Surgeon General of the Public Health Service (under the supervision and direction of the Federal Security Administrator) and the Federal Works Administrator shall have the responsibilities and authority relating to water pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution agencies and interstate agencies, and with the municipalities and industries involved, prepare or adopt comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may deleteriously affect such waters.

(b) The Surgeon General shall encourage cooperative activities by the States for the prevention and abatement of water pollution; encourage the enactment of uniform State laws relating to water pollution; encourage compacts between States for the prevention and abatement of water pollution; collect and disseminate information relating to water pollution and the prevention and abatement thereof; support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment; make available to State and interstate agencies, municipalities, industries, and individuals the results of sur-

veys, studies, investigations, research, and experiments relating to water pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such assistance to State agencies as may be authorized by law.

(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

(d) (1) The pollution of interstate waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of persons in a State other than that in which the discharge originates, is hereby declared to be a public nuisance and subject to abatement as herein provided.

(2) Whenever the Surgeon General, on the basis of reports, surveys, and studies, finds that any pollution declared to be a public nuisance by paragraph (1) of this subsection is occurring, he shall give formal notification thereof to the person or persons discharging any matter causing or contributing to such pollution and shall advise the water pollution agency or interstate agency of the State or States where such discharge or discharges originate of such notification. This notification may outline recommended remedial measures which are reasonable and equitable in that case and shall specify a reasonable time to secure abatement of the pollution. If action calculated to secure abatement of the pollution within the time specified is not commenced, this failure shall again be brought to the attention of the person or persons discharging the matter and of the water pollution agency or interstate agency of the State or States where such discharge or discharges originate. The notification to such agency may be accompanied by a recommendation that it initiate a suit to abate the pollution in a court of proper jurisdiction.

(3) If, within a reasonable time after the second notification by the Surgeon General, the person or persons discharging the matter fail to initiate action to abate the pollution or the State water pollution agency or interstate agency fails to initiate a suit to secure abatement, the Federal Security Administrator is authorized to call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originate, before a board of five or more persons appointed by the Administrator, who may be officers or employees of the Federal Security Agency or of the water pollution agency or interstate agency of the State or States where such discharge or discharges originate (except that at least one of the members of the board shall be a representative of the water pollution agency of the State or States where such discharge or discharges originate and at least one shall be a representative of the Department of Commerce, and not less than a majority of the board

shall be persons other than officers or employees of the Federal Security Agency). On the basis of the evidence presented at such hearing the board shall make its recommendations to the Federal Security Administrator concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution.

(4) After affording the person or persons discharging the matter causing or contributing to the pollution reasonable opportunity to comply with the recommendations of the board, the Federal Security Administrator may, with the consent of the water pollution agency (or of any officer or agency authorized to give such consent) of the State or States in which the matter causing or contributing to the pollution is discharged, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(5) Before or after any suit authorized by paragraph (4) is commenced, any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought, may, with the consent of the water pollution agency (or of any officer or agency authorized to give such consent) of the State in which such matter is discharged, be joined as a defendant. The court shall have power to enforce its judgment against any such defendant.

(6) In any suit brought pursuant to paragraph (4) in which two or more persons in different judicial districts are originally joined as defendants, the suit may be commenced in the judicial district in which any discharge caused by any of the defendants occurs.

(7) The court shall receive in evidence in any such suit a transcript of the proceedings before the board and a copy of the board's recommendation; and may receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require. The jurisdiction of the Surgeon General, or any other agency which has jurisdiction pursuant to the provisions of this Act, shall not extend to any region or areas nor shall it affect the rights or jurisdiction of any public body where there are in effect provisions for sewage disposal pursuant to agreement between the United States of America and any such public body by stipulation entered in the Supreme Court of the United States. While any such stipulation or modification thereof is in force and effect, no proceedings of any kind may be maintained by virtue of this Act against such public body or any public agency, corporation, or individual within its jurisdiction. Neither this provision nor any provision of this Act shall be construed to give to the Surgeon General or any other person or agency the right to intervene in the said proceedings wherein such stipulation was entered.

(8) As used in this subsection the term "person" includes an individual, corporation, partnership, association, a State, municipality, and a political subdivision of a State.

SEC. 3. The Surgeon General may, upon request of any State water-pollution agency or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish, from time to time, reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of water pollution.

SEC. 5. The Federal Works Administrator is authorized, subject to the provisions of section 9 (c), to make loans to any State, municipality, or interstate agency for the construction of necessary treatment works to prevent the discharge by such State or municipality of untreated or inadequately treated sewage or other waste into interstate waters or into a tributary of such waters, and for the preparation (either by its engineering staff or by practicing engineers employed for that purpose) of engineering reports, plans, and specifications in connection therewith. Such loans shall be subject, however, to the following limitations: (a) No loan shall be made for any project unless such project shall have been approved by the appropriate State water pollution agency or agencies and by the Surgeon General, and unless such project is included in a comprehensive program developed pursuant to this Act; (b) no loan shall be made for any project in an amount exceeding 33⅓ per centum of the estimated reasonable cost thereof, as determined by the Federal Works Administrator, or in an amount exceeding $250,000, whichever amount is the smaller; (c) every such loan shall bear interest at the rate of 2 per centum per annum, payable semiannually; and (d) the bonds or other obligations evidencing any such loan (1) must be duly authorized and issued pursuant to State and local law, and (2) may, as to the security thereof and the payment of principal thereof and interest thereon, be subordinated (to the extent deemed feasible and desirable by the Federal Works Administrator for facilitating the financing of such projects) to other bonds or obligations of the obligor issued to finance such project or that may then be outstanding.

SEC. 6. (a) The Surgeon General and the Federal Works Administrator, in carrying out their respective functions under this Act, shall provide for the review of all reports of examinations, research, investigations, plans, studies, and surveys, made pursuant to the provisions of this Act and all applications for loans under section 5. In determining the desirability of projects for treatment works and of approving loans in connection therewith, consideration shall be given to the public benefits to be derived by the construction thereof, the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for the loan for assuring proper and efficient operation and maintenance of the works after completion of the construction thereof.

(b) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of the Army, a representative of the Department of the Interior, a representative of the Federal Works Agency, and a representative of the Department of Agriculture, designated by the Secretary of the

Army, the Secretary of the Interior, the Federal Works Administrator, and the Secretary of Agriculture, respectively; and six persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is expert in sewage and industrial-waste disposal, one shall be a person who shall have shown an active interest in the field of wildlife conservation, and, except as the President may determine that the purposes of this Act will be better furthered by different representation, one shall be a person representative of municipal government, one shall be a person representative of State government, and one shall be a person representative of affected industry. The members of the Board who are not officers or employees of the United States shall be entitled to receive compensation at a per diem rate to be fixed by the Federal Security Administrator, together with an allowance for actual and necessary traveling and subsistence expenses while engaged on the business of the Board. It shall be the duty of the Board to review the policies and program of the Public Health Service as undertaken under authority of this Act and to make recommendations thereon in reports to the Surgeon General. Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

SEC. 7. There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed the sum of $22,500,000 for the purpose of making loans under section 5 of this Act. Sums so appropriated shall remain available until expended.

SEC. 8. (a) There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, the sum of $1,000,000, to be allotted equitably and paid to the States for expenditure by or under the direction of their respective State water pollution agencies, and to interstate agencies for expenditure by them, for the conduct of investigations, research, surveys, and studies related to the prevention and control of water pollution caused by industrial wastes. Sums appropriated pursuant to this subsection shall remain available until expended, shall be allotted by the Surgeon General in accordance with regulations prescribed by the Federal Security Administrator, and shall be paid prior to audit or settlement by the General Accounting Office.

(b) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed $800,000 to enable the Federal Works Administrator to erect and to furnish and to equip such buildings and facilities at Cincinnati, Ohio, as may be necessary for the use of the Public Health Service in connection with the research and study of water pollution and the training of personnel in work related to the control of water pollution. The amount authorized for this purpose shall include the cost of preparation of drawings and specifications, supervision of construction and other administrative expenses incident to the work: *Provided*, That the Federal Works Agency shall prepare the plans and specifications, make

all necessary contracts and supervise construction. Sums appropriated pursuant to this authorization shall remain available until expended.

(c) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed the sum of $1,000,000 to enable the Federal Works Administrator to make grants to States, municipalities, or interstate agencies to aid in financing the cost of engineering, architectural, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of projects approved by the appropriate State water pollution agency or agencies and by the Surgeon General. Grants made under this subsection with respect to any project shall not exceed whichever of the following amounts is the smaller: (1) $20,000, or (2) 33⅓ per centum of the estimated reasonable cost (as determined by the Federal Works Administrator) of the action preliminary to the construction of such project. Sums appropriated pursuant to this subsection shall remain available until expended.

(d) There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, such sum (not to exceed the sum of $2,000,000) as may be necessary to enable it to carry out its functions under this Act.

(e) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, such sum (not to exceed the sum of $500,000) as may be necessary to enable it to carry out its functions under this Act.

SEC. 9. (a) Five officers may be appointed to grades in the Regular Corps of the Public Health Service above that of senior assistant, but not to a grade above that of director, to assist in carrying out the purposes of this Act. Officers appointed pursuant to this subsection in any fiscal year shall not be counted as part of the 10 per centum of the original appointments authorized to be made in such year under section 207 (b) of the Public Health Service Act; but they shall for all other purposes be treated as though appointed pursuant to such section 207 (b).

(b) The Federal Security Administrator, with the consent of the head of any other agency of the Federal Government, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) (1) Upon written request of the Federal Works Administrator, from time to time submitted to the Federal Security Administrator, specifying (a) particular projects approved by the Surgeon General, (b) the total estimated costs of such projects, and (c) the total sum requested for loans which the Federal Works Administrator proposes to make for such projects, the Federal Security Administrator shall transfer such total sum (within the amount appropriated therefor) to the Federal Works Administrator for the making of loans for such projects pursuant to section 5 hereof. In making such loans, the Federal Works Administrator shall adhere to the order or sequence of priority for projects established by the Surgeon General and shall take such measures as, in his judgment, will assure that the engineering

plans and specifications, the details of construction, and the completed treatment works conform to the project as approved by the Surgeon General; and the Federal Works Administrator shall furnish written reports to the Federal Security Administrator on the progress of the work.

(2) The Federal Works Administrator is hereby authorized (a) to hold, administer, exchange, refund, or sell at public or private sale any bonds or other obligations evidencing loans made under this Act; and (b) to collect, or provide for the collection of, interest on and principal of such bonds or other obligations. All moneys received as proceeds from such sales, and all moneys so collected, shall be covered into the Treasury as miscellaneous receipts.

(d) The Surgeon General and the Federal Works Administrator are each authorized to prescribe such regulations as are necessary to carry out their respective functions under this Act.

SEC. 10. When used in this Act—

(a) The term "State water pollution agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency;

(b) The term "interstate agency" means an agency of two or more States having powers or duties pertaining to the abatement of pollution of waters;

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial waste of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof;

(d) The term "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands;

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across, or form a part of, State boundaries; and

(f) The term "municipality" means a city, town, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

SEC. 11. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 13. This Act may be cited as the "Water Pollution Control Act".

Approved June 30, 1948.

[Public Law 238 -- 68th Congress]

[Chapter 316 -- 2d Session]

[S. 1942]

AN ACT

To protect navigation from obstruction and injury by preventing the discharge of oil into the coastal ~~waters~~ navigable waters of the United States.

Oil Pollution Act, 1924.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Pollution Act, 1924."

Meaning of terms.

SEC. 2. When used in this Act, unless the context otherwise requires—

"Oil."

(a) The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse;

"Person."

(b) The term "person" means an individual, partnership, corporation, or association; any owner, master, officer or employee of a vessel; and any officer, agent, or employee of the United States;

"Coastal navigable waters of the United States."

(c) The term "coastal navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact in which the tide ebbs and flows;

"Secretary."

(d) The term "Secretary" means the Secretary of War.

Discharge of oil by any method into navigable waters, unlawful.

SEC. 3. That, except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any method, means, or manner into or upon the coastal navigable waters of the United States from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder. The Secretary is authorized and empowered to prescribe regulations permitting the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or sea food, or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters, and for the loading, handling, and unloading of oil.

Regulations to be prescribed permitting discharge, etc., if not deleterious to health, sea food, etc.

Punishment for violations.

SEC. 4. That any person who violates section 3 of this Act, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year nor less than thirty days, or by both such fine and imprisonment, for each offense. And any vessel (other than a vessel owned and operated by the United States) from which oil is discharged in violation of section 3 of this Act, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such vessel from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel which

Vessel liable for penalty.

Clearance withheld, etc.

Recovery of lien.

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may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be.

Revocation, etc., of officer's license for violations. R. S., sec. 4450, p. 861. Vol. 40, p. 602.

SEC. 5. A board of local inspectors of vessels may, subject to the provisions of section 4450 of the Revised Statutes, and of the Act entitled "An Act to provide for appeals from decisions of local inspectors of vessels, and for other purposes," approved June 10, 1918, suspend or revoke a license issued by any such board to the master or other licensed officer of any vessel found violating the provisions of section 3 of this Act.

Penalties, etc., not enforceable for violation within three months.

SEC. 6. That no penalty, or the withholding of clearance, or the suspension or revocation of licenses, provided for herein, shall be enforced for any violation of this Act occurring within three months after its passage.

Administration by rivers and harbors officers and personnel.

SEC. 7. That in the administration of this Act the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors, and in the enforcement of existing laws for the preservation and protection of navigable waters. And for the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary, and officers of the Customs and Coast Guard Service of the United States, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

Powers conferred for arrest, etc., of offenders.

Provisos.
Arrests without process restricted.
Judicial procedure.

Act an addition to, and not a repeal, etc., of existing laws.

SEC. 8. That this Act shall be in addition to the existing laws for the preservation and protection of navigable waters and shall not be construed as repealing, modifying, or in any manner affecting the provisions of those laws.

Investigation directed of polluting deposits in navigable and connecting waters, etc.

SEC. 9. That the Secretary is authorized and directed to make such investigation as may be necessary to ascertain what polluting substances are being deposited into the navigable waters of the United States, or into nonnavigable waters connecting with navigable waters, to such an extent as to endanger or interfere with navigation or commerce upon such navigable waters or the fisheries therein; and with a view to ascertaining the sources of such pollutions and by what means they are deposited; and the Secretary shall report the results of his investigation to the Congress not later than two years after the passage of this Act, together with such recommendations for remedial legislation as he deems advisable: *Provided*, That funds appropriated for examinations, surveys, and contingencies of rivers and harbors may be applied to paying the cost of this investigation, and, to adequately provide therefor, the additional sum of not to exceed $50,000 is hereby authorized to be appropriated for examinations, surveys, and contingencies of rivers and harbors.

Report to Congress with recommendations, etc.

Provisos.
Funds available.

Additional authorized.

Approved, June 7, 1924.

Public Law 87-167
87th Congress, S. 2187
August 30, 1961

An Act

75 STAT. 402.

To implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, may be cited as the "Oil Pollution Act, 1961". Oil Pollution Act, 1961.

SEC. 2. DEFINITIONS.—As used in this Act, unless the context otherwise requires— Definitions.

(a) The term "convention" means the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

(b) The term "discharge" in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

(c) The term "heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per centum, by volume distills at a temperature not exceeding three hundred and forty degrees centigrade when tested by American Society for the Testing of Materials standard method D. 158/53;

(d) The term "mile" means a nautical mile of six thousand and eighty feet or one thousand eight hundred and fifty-two meters;

(e) The term "oil" means persistent oils, such as crude oil, fuel oil, heavy diesel oil, and lubricating oil. For the purposes of this legislation, the oil in an oily mixture of less than one hundred parts of oil in one million parts of the mixture, shall not be deemed to foul the surface of the sea;

(f) The term "person" means an individual, partnership, corporation, or association; and any owner, operator, agent, master, officer, or employee of a ship;

(g) The term "prohibited zones" means the zones described in section 12 of this Act as modified by notices, if any, of extension or reduction issued by the Secretary;

(h) The term "Secretary" means the Secretary of the Army;

(i) The term "ship" means a seagoing ship of American registry except—

(1) ships for the time being used as naval auxiliaries;

(2) ships of under five hundred tons gross tonnage;

(3) ships for the time being engaged in the whaling industry;

(4) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

SEC. 3. (a) Subject to the provisions of sections 4 and 5, the discharge by any person from any ship, which is a tanker, within any of the prohibited zones of oil or any oily mixture the oil in which fouls the surface of the sea, shall be unlawful. Prohibition.

(b) Subject to the provisions of sections 4 and 5, any discharge by any person into the sea from a ship, other than a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from July 26, 1961, paragraph (a) of this section shall apply to ships other than tankers as it applies to tankers, except that the prohibited zones in relation to ships other than tankers shall be those referred to in the schedule.

SEC. 4. Section 3 shall not apply to— Exceptions.

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(c) the discharge of sediment—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

Provided, That such discharge is made as far from land as is practicable.

SEC. 5. Section 3 shall not apply to the discharge from the bilges of a ship—

(a) of any oily mixture, during the period of twelve months after the United States accepts the convention;

(b) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

Penalties.

SEC. 6. Any person who violates any provision of this Act, except sections 8(b) and 9, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, for each offense. And any ship (other than a ship owned and operated by the United States) from which oil is discharged in violation of this Act, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such ship from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such ship which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the ship may be.

SEC. 7. The Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any ship found violating the provisions of this Act or the regulations issued pursuant thereto.

Administration.

SEC. 8. (a) In the administration of sections 1–12 of this Act, the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors and in the enforcement of laws for the improvement of rivers and harbors and in the enforcement of laws for the preservation and protection

Enforcement.

of navigable waters. For the better enforcement of the provisions of said sections, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary, and officers and employees of the Bureau of Customs and the Coast Guard, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. Representatives of the Secretary and of the

Bureau of Customs and Coast Guard of the United States may go on board and inspect any ship in a prohibited zone or in a port of the United States as may be necessary for enforcement of this Act.

(b) To implement article VII of the convention, ship fittings and equipment, and operating requirements thereof, shall be in accordance with regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. Any person found violating these regulations shall, in addition to any other penalty prescribed by law, be subject to a civil penalty not in excess of $100.

Oil record book.

SEC. 9. (a) There shall be carried in every ship an oil record book in the form specified in section 13 of this Act. In the event of discharge or escape of oil from a ship in a prohibited zone, a signed statement shall be made in the oil record book, by the officer or officers in charge of the operations concerned and by the master of the ship, of the circumstances of and the reason for the discharge or escape.

(b) If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 and if any person makes an entry in any records kept in accordance with this Act which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 or imprisonment for a term not exceeding six months, or both.

Regulations.

SEC. 10. The Secretary may make regulations for the administration of sections 3, 4, 5, 8(a), and 9.

SEC. 11. (a) The Secretary may make regulations empowering such persons as may be designated to go on board any ship to which the convention applies, while the ship is within the territorial jurisdiction of the United States, and to require production of any records required to be kept in accordance with the convention.

(b) Should evidence be obtained that a ship registered in another country party to the convention has discharged oil in any prohibited zone, such evidence should be forwarded to the State Department for action in accordance with article X of the convention.

Prohibited zones. Tankers.

SEC. 12. (a) Subject to paragraph (c) of this section, the prohibited zones in relation to tankers shall be all sea areas within fifty miles from land, with the following exceptions:

Exceptions.

(1) THE ADRIATIC ZONES.—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of fifty miles from land, excepting only the island of Vis.

(2) THE NORTH SEA ZONE.—The North Sea Zone shall extend for a distance of one hundred miles from the coasts of the following countries—

Belgium,
Denmark,
the Federal Republic of Germany,
the Netherlands,
the United Kingdom of Great Britain and Northern Ireland;

but not beyond the point where the limit of a one hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(3) THE ATLANTIC ZONE.—The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian one hundred miles in a north-northeasterly direction from the Shetland Islands; thence northward along the Greenwich meridian to latitude 64 degrees north; thence westward along the 64th parallel to longitude 10 degrees west; thence to latitude 60 degrees north, longitude 14 degrees west; thence to latitude 54 degrees 30 minutes north, longitude 30 degrees west; thence to latitude 44

degrees 20 minutes north, longitude 30 degrees west; thence to latitude 48 degrees north, longitude 14 degrees west; thence eastward along the forty-eighth parallel to a point of intersection with the fifty-mile zone off the coast of France: *Provided*, That in relation to voyages which do not extend seaward beyond the Atlantic Zone as defined above, and which are to points not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of one hundred miles from land.

(4) THE AUSTRALIAN ZONE.—The Australian Zone shall extend for a distance of one hundred and fifty miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20 degrees south latitude.

Ships other than tankers.

(b) Subject to paragraph (c) of this section the prohibited zones in relation to ships other than tankers shall be all sea areas within fifty miles from land with the following exceptions:

(1) THE ADRIATIC ZONES.—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of twenty miles from land, excepting only the Island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with section 3(b) of this Act the said zones shall each be extended by a further thirty miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement, the Convention provides for notification to be given accordingly to the Intergovernmental Maritime Consultative Organization by said governments not less than three months before the expiration of such period of three years and for notification to be given to all contracting governments by the Intergovernmental Maritime Consultative Organization.

(2) THE NORTH SEA AND ATLANTIC ZONES.—The North Sea and Atlantic Zones shall extend for a distance of one hundred miles from the coasts of the following countries:

Belgium,
Denmark,
the Federal Republic of Germany,
Ireland,
the Netherlands,
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a one-hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

Publication in "Notices to Mariners."

(c) With respect to the reduction or extension of the zones described above effectuated under the terms of the Convention, the Secretary of the Army shall give notice thereof by publication of such information in Notices to Mariners issued by the United States Coast Guard and United States Navy.

Information booklets.

SEC. 13. (a) The Secretary shall have printed separate booklets which set forth instructions and spaces for inserting information as follows:

(1) FOR TANKERS.—

(A) Date of entry.

(B) Ballasting of and discharge of ballast from cargo tanks.

(i) Identity numbers of tank(s).

(ii) Type of oil previously contained in tank(s).

(iii) Date and place of ballasting.
(iv) Date and time of discharge of ballast water.
(v) Place or position of ship.
(vi) Approximate amount of oil contaminated water transferred to slop tank(s).
(vii) Identity numbers of slop tank(s).
(C) Cleaning of cargo tanks.
(i) Identity numbers of tank(s) cleaned.
(ii) Type of oil previously contained in tank(s).
(iii) Identity numbers of slop tank(s) to which washings transferred.
(iv) Dates and times of cleaning.
(D) Settling in slop tank(s) and discharge of water.
(i) Identity numbers of slop tank(s).
(ii) Period of settling (in hours).
(iii) Date and time of discharge of water.
(iv) Place or position of ship.
(v) Approximate quantities of residue.
(E) Disposal from ship of oily residues from slop tanks and other sources.
(i) Date and method of disposal.
(ii) Place or position of ship.
(iii) Sources and approximate quantities.
(F) Signature of Officer or Officers in Charge of the operations concerned and Signature of the Master.
(2) FOR SHIPS OTHER THAN TANKERS.—
(A) Date of entry.
(B) Ballasting, or cleaning during voyage, of bunker fuel tanks.
(i) Identity number of tank.
(ii) Type of oil previously contained in tank.
(iii) Date and place of ballasting.
(iv) Date and time of discharge of ballast or washing water.
(v) Place or position of ship.
(vi) Whether separator used: if so, give period of use.
(vii) Disposal of oily residue retained on board.
(C) Disposal from ship of oily residues from bunker fuel tanks and other sources.
(i) Date and method of disposal.
(ii) Place or position of ship.
(iii) Sources and approximate quantities.
(D) Signature of officer or officers in charge of the operations concerned and signature of the master.
(3) FOR ALL SHIPS.—
(A) Date of entry.
(B) Accidental and other exceptional discharges or escapes of oil.
(i) Date and time of occurrence.
(ii) Place or position of ship.
(iii) Approximate quantity and type of oil.
(iv) Circumstances of discharge or escape and general remarks.
(C) Signature of office or officers in charge of the operations concerned and signature of the master.

(b) The booklet shall be furnished free to all seagoing ships of American registry subject to this Act. The provisions of section 140 of title 5, United States Code shall not apply. The ownership of the 65 Stat. 290.

booklet shall remain in the United States Government. This booklet shall be available for inspection as provided in this Act and for surrender to the United States Government pursuant to regulations of the Secretary.

Appropriation authorization.

SEC. 14. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Separability.

SEC. 15. If a provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SEC. 16. Nothing in this Act or in regulations issued hereunder shall be construed to modify or amend the provisions of the Oil Pollution Act, 1924 (33 U.S.C. 431–437), or of section 89 of title 14, United States Code.

43 Stat. 604.
63 Stat. 502.

Effective date.

SEC. 17. This Act shall become effective upon the date of its enactment or upon the date the United States becomes a party to the convention, whichever is the later date.

Approved August 30, 1961.

Public Law 89-551
89th Congress, H. R. 8760
September 1, 1966

An Act

To amend the provisions of the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015), to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Oil Pollution Act, 1961" approved August 30, 1961 (33 U.S.C. 1001–1015), is amended as follows:

Oil Pollution Act, 1961, amendments.
75 Stat. 402.

(1) Section 1 is amended by inserting after the title "International Convention for the Prevention of the Pollution of the Sea by Oil, 1954" the phrase "as amended," and by changing the designation of the Act from "Oil Pollution Act, 1961" to "Oil Pollution Act, 1961, as amended,".

12 UST 2989.

(2) Section 2 (33 U.S.C. 1001) is amended—

(A) in subsection (a) by changing the semicolon to a comma at the end thereof and by adding "as amended;";

(B) in subsection (c) by changing the reference at the end thereof from "D. 158/53;" to "D. 86/59;";

(C) by amending subsection (e) to read as follows:

Definitions.

"(e) The term 'oil' means crude oil, fuel oil, heavy diesel oil, and lubricating oil, and 'oily' shall be construed accordingly. An 'oily mixture' means a mixture with an oil content of one hundred parts or more in one million parts of mixture."

(D) by amending subsection (i) to read as follows:

"(i) The term 'ship', subject to the exceptions provided in paragraph (1) of this subsection, means any seagoing vessel of any type whatsoever of American registry or nationality, including floating craft, whether self-propelled or towed by another vessel making a sea voyage; and 'tanker', as a type included within the term 'ship', means a ship in which the greater part of the cargo space is constructed or 80 STAT. 372
adapted for the carriage of liquid cargoes in bulk and which is not, for 80 STAT. 373
the time being, carrying a cargo other than oil in that part of its cargo space.

Vessels excepted.

"(1) The following categories of vessels are excepted from all provisions of the Act:

"(i) tankers of under one hundred and fifty tons gross tonnage and other ships of under five hundred tons gross tonnage.

"(ii) ships for the time being engaged in the whaling industry when actually employed on whaling operations.

"(iii) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of Saint Lambert lock at Montreal in the Province of Quebec, Canada.

"(iv) naval ships and ships for the time being used as naval auxiliaries."

(E) by adding a new subsection (j) reading as follows:

"From the nearest land."

"(j) The term 'from the nearest land' means from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958."

15 UST 1606.

(3) Section 3 (33 U.S.C. 1002) is amended to read as follows:

Discharge of oil, prohibitions.

"SEC. 3. Subject to the provisions of sections 4 and 5, it shall be unlawful for any person to discharge oil or oily mixture from:

"(a) a tanker within any of the prohibited zones.

"(b) a ship, other than a tanker, within any of the prohibited zones, except when the ship is proceeding to a port not provided with facilities adequate for the reception, without causing undue delay, it may discharge such residues and oily mixture as would remain for disposal if the bulk of the water had been separated from the mixture: *Provided*, such discharge is made as far as practicable from land.

"(c) a ship of twenty thousand tons gross tonnage or more, including a tanker, for which the building contract is placed on or after the effective date of this Act. However, if in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones. The reasons for such discharge shall be reported in accordance with the regulations prescribed by the Secretary."

Special circumstances.

Exceptions.

(4) Section 4 (33 U.S.C. 1003) is amended to read as follows:

"SEC. 4. Section 3 shall not apply to—

"(a) the discharge of oil or oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea; or

"(b) the escape of oil, or of oily mixture, resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

80 STAT. 373

80 STAT. 374

"(c) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil: *Provided*, That such discharge is made as far from land as practicable."

(5) Section 5 (33 U.S.C. 1004) is amended to read as follows:

Oily mixtures from bilges.

"SEC. 5. Section 3 shall not apply to the discharge from the bilges of a ship of an oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces."

(6) Section 9 (33 U.S.C. 1008) is amended to read as follows:

Oil record books.

"SEC. 9. (a) The Secretary shall have printed separate oil record books, containing instructions and spaces for inserting information in the form prescribed by the Convention, which shall be published in regulations prescribed by the Secretary.

"(b) If subject to this Act, every ship using oil fuel and every tanker shall be provided, without charge, an oil record book which shall be carried on board. The provisions of section 140 of title 5, United States Code, shall not apply. The ownership of the booklet shall remain in the United States Government. This book shall be available for inspection as provided in this Act and for surrender to the United States Government pursuant to regulations of the Secretary.

65 Stat. 290.

"(c) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

"(1) ballasting of and discharge of ballast from cargo tanks of tankers;

"(2) cleaning of cargo tanks of tankers;

"(3) settling in slop tanks and discharge of water from tankers;

"(4) disposal from tankers of oily residues from slop tanks or other sources;

"(5) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

"(6) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

"(7) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

"In the event of such discharge or escape of oil or oily mixture, as is referred to in subsection 3(c) and section 4 of this Act, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

"(d) Each operation described in subsection 9(c) of the Act shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship.

"(e) Oil record books shall be kept in such manner and for such length of time as set forth in the regulations prescribed by the Secretary.

"(f) If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 and if any person makes an entry in any records kept in accordance with this Act or regulations prescribed thereunder by the Secretary which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 or imprisonment for a term not exceeding six months, or both." Penalty.

80 STAT. 374

(7) Section 10 (33 U.S.C. 1009) is amended by changing the phrase at the end thereof from "and 9" to "9, and 12." 80 STAT. 375

(8) Section 12 (33 U.S.C. 1011) is amended to read as follows: Prohibited zones.

"SEC. 12. (a) All sea areas within fifty miles from the nearest land shall be prohibited zones, subject to extensions or reduction effectuated in accordance with the terms of the Convention, which shall be published in regulations prescribed by the Secretary.

"(b) With respect to the reduction or extension of the zones described under the terms of the Convention, the Secretary shall give notice thereof by publication of such information in Notices to Mariners issued by the United States Coast Guard and United States Navy."

(9) Section 13 (33 U.S.C. 1012) is repealed. Repeal.

(10) Section 17 (33 U.S.C. 1015) is amended to read as follows:

"SEC. 17. (a) This Act shall become effective upon the date of its enactment or upon the date the amended Convention becomes effective as to the United States, whichever is the later date. Effective date.

"(b) Any rights or liabilities existing on the effective date of this Act shall not be affected by the enactment of this Act. Any procedures or rules or regulations in effect on the effective date of this Act shall remain in effect until modified or superseded under the authority of this Act. Any reference in any other law or rule or regulation prescribed pursuant to law to the 'International Convention for the Prevention of the Pollution of the Sea by Oil, 1954,' shall be deemed to be a reference to that Convention as revised by the 'Amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954,' which were adopted by a Conference of Con- 12 UST 2989.

tracting Governments convened at London on April 11, 1962. Any reference in any other law or rule or regulation prescribed pursuant to law to the 'Oil Pollution Act, 1961,' approved August 30, 1961 (33 U.S.C. 1001–1015), shall be deemed to be a reference to that Act as amended by this Act."

75 Stat. 402.

Approved September 1, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1620 (Comm. on Merchant Marine & Fisheries).
SENATE REPORT No. 1479 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 112 (1966):
June 20: Considered and passed House.
Aug. 19: Considered and passed Senate.

RIVER AND HARBOR ACT OF 1899

(Sections 9–20)

CHAP. 425.—An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mar. 3, 1899.
Vol. 30, p. 1121.

* * * * * * *

Congress to authorize construction of bridges over navigable waters.
—approval of plans.
Vol. 26, p. 454; vol. 27, p. 110; vol. 32, p. 374.
Ante, pp. 582, 642; *post*, p. 1009.

SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

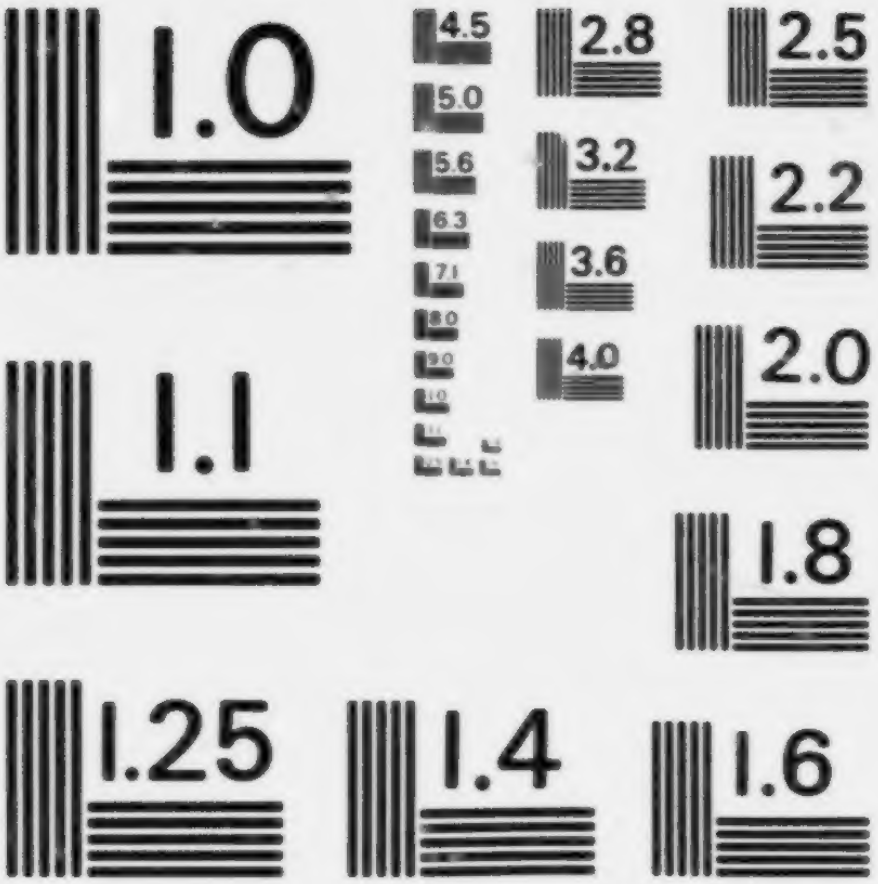
Provisos.
Legislatures to authorize on waters wholly within State.

Deviation from plans.

No obstruction to navigation not authorized.
Works outside harbor lines forbidden.
Vols. 25, p. 423; 26, p. 454; 27, p. 110.
Ante, pp. 515, 583, 642.

SEC. 10. That the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of ref-

Excavations, alterations, etc., in channels only where authorized.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS - 1963 - A

uge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

Establishment of harbor lines. Vol. 24, p. 329; vol. 25, p. 425; vol. 26, p. 455. *Ante*, pp. 462, 518, 584.

SEC. 11. That where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors he may, and is hereby, authorized to cause such lines to be established, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him: *Provided*, That whenever the Secretary of War grants to any person or persons permission to extend piers, wharves, bulkheads, or other works, or to make deposits in any tidal harbor or river of the United States beyond any harbor lines established under authority of the United States, he shall cause to be ascertained the amount of tide water displaced by any such structure or by any such deposits, and he shall, if he deem it necessary, require the parties to whom the permission is given to make compensation for such displacement either by excavating in some part of the harbor, including tidewater channels between high and low water mark, to such an extent as to create a basin for as much tide water as may be displaced by such structure or by such deposits, or in any other mode that may be satisfactory to him.

Proviso. Compensation for tide water displaced.

Penalties; removal of structures. Vol. 26, p. 454. *Ante*, p. 583. Vol. 31, p. 32. *Post*, p. 906.

SEC. 12. That every person and every corporation that shall violate any of the provisions of sections nine, ten, and eleven of this Act, or any rule or regulation made by the Secretary of War in pursuance of the provisions of the said section fourteen, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding twenty-five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And further, the removal of any structures or parts of structures erected in violation of the provisions of the said sections may be enforced by the injunction of any circuit court exercising jurisdiction in any district in which such structures may exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

Depositing refuse in navigable waters forbidden. Vol. 26, p. 453; vol. 28, p. 363. *Ante*, pp. 581, 712.

SEC. 13. That it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers

and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful.

Provisos.
—not applicable to public works.

—permits for depositing in defined limits.

Using, etc., wharves, levees, etc., forbidden. Vol. 26, p. 454; vol. 28, p. 363. *Ante*, pp. 583, 712.

SEC. 14. That it shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: *Provided*, That the Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest.

Proviso.
—permits for temporary use.

Obstructions by anchoring vessels.

—sunken vessels, timber, etc.

SEC. 15. That it shall not be lawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft; or to voluntarily or carelessly sink, or permit or cause to be sunk, vessels or other craft in navigable channels; or to float loose timber and logs, or to float what is known as sack rafts of timber and logs in

streams or channels actually navigated by steamboats in such manners as to obstruct, impede, or endanger navigation. And whenever a vessel, raft, or other craft is wrecked and sunk in a navigable channel, accidentally or otherwise, it shall be the duty of the owner of such sunken craft to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner so to do shall be unlawful; and it shall be the duty of the owner of such sunken craft to commence the immediate removal of the same, and prosecute such removal diligently, and failure to do so shall be considered as an abandonment of such craft, and subject the same to removal by the United States as hereinafter provided for.

Vol. 31, pp. 172.
Post, p. 908.
—duties of owner of sunken vessel.

Penalties.

SEC. 16. That every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections thirteen, fourteen, and fifteen of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding twenty-five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction. And any and every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in section thirteen of this Act to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of War, or who shall willfully injure or destroy any work of the United States contemplated in section fourteen of this Act, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section fifteen of this Act, shall be deemed guilty of a violation of this Act, and shall upon conviction be punished as hereinbefore provided in this section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. And any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections thirteen, fourteen, and fifteen of this Act shall be liable for the pecuniary penalties specified in this section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be

proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

Legal proceedings, by whom conducted, etc. Vol. 26, p. 455. *Ante*, p. 584.

SEC. 17. That the Department of Justice shall conduct the legal proceedings necessary to enforce the foregoing provisions of sections nine to sixteen, inclusive, of this Act; and it shall be the duty of district attorneys of the United States to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of War or by any of the officials hereinafter designated, and it shall furthermore be the duty of said district attorneys to report to the Attorney-General of the United States the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of War by the Attorney-General; and for the better enforcement of the said provisions and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of War, and the United States collectors of customs and other revenue officers, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the aforesaid sections of this Act, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Power to arrest granted certain officials.

Provisos.
—offense to be committed in presence of.

—examination of prisoner.

Obstruction to navigation by bridges. Vols. 23, p. 148; 25, pp. 425, 425; 26, p. 453. *Ante*, pp. 417, 517, 580.

SEC. 18. That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, or where there is difficulty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice he shall specify the changes recommended by

—notice to alter.

the Chief of Engineers that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of War shall forthwith notify the United States district attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of War, and within the time prescribed by him willfully fail or refuse to remove the same or to comply with the lawful order of the Secretary of War in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed: *Provided*, That in any case arising under the provisions of this section an appeal or writ of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court either by the United States or by the defendants.

—penalty.

Proviso. —appeal.

Removal of obstructions to navigation. Vol. 21, p. 197; vol. 22, p. 208; vol. 26, p. 454. *Ante*, pp. 330, 383, 583.

SEC. 19. That whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, or other similar obstruction, and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed "To whom it may concern," in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof: *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than ten days, for the removal of such obstruction as soon as possible after the expiration of the above specified thirty days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, or other

Provisos. —notice.

—proposals to remove.

obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: *Provided*, That such bidder shall give satisfactory security to execute the work: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States.

—bond of bidder.

Disposition of funds from sale of wrecks.

Vessels grounding, etc.

SEC. 20. That under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in section nineteen, in such manner as to stop, seriously interfere with, or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent any unnecessary injury; and no one shall interfere with or prevent such removal or destruction: *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it: *And provided further*, That the expense of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within thirty days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States.

—destruction, etc., of.

Provisos.

—notice.

—expense of removal.

—reimbursement.

REORGANIZATION PLAN NO. 2 OF 1966

(Text with Explanatory Notes)

Providing for Reorganization of Certain Water Pollution Control Functions. Prepared by the President and Transmitted to Congress, February 28, 1966, Pursuant to the Provisions of the Reorganization Act of 1949, as Amended. Reorganization Plan Effective, with the Assent of Congress, May 10, 1966.

WATER POLLUTION CONTROL

SECTION 1. TRANSFERS OF FUNCTIONS AND AGENCIES.—(a) Except as otherwise provided in this section, all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare under the Federal Water Pollution Control Act, as amended, hereinafter referred to as the Act (33 U.S.C. 466 et seq.), including all functions of other officers, or of employees or agencies, of that Department under the Act, are hereby transferred to the Secretary of the Interior.

(b) The Federal Water Pollution Control Administration is hereby transferred to the Department of the Interior.

(c) (1) The Water Pollution Control Advisory Board, together with its functions, is hereby transferred to the Department of the Interior.

(2) The functions of the Secretary of Health, Education, and Welfare (including those of his designee) under section 9 [1] of the Act shall be deemed to be hereby transferred to the Secretary of the Interior.

(3) The Secretary of Health, Education, and Welfare shall be an additional member of the said Board as provided for by section 9 [1] of the Act and as modified by this reorganization plan.

(d) (1) The Hearing Boards provided for in sections 10(c)(4)[2] and 10(f)[3] of the Act, including any Boards so provided for which may be in existence on the effective date of this reorganization plan, together with their respective functions, are hereby transferred to the Department of the Interior.

(2) The functions of the Secretary of Health, Education, and Welfare under the said sections 10(c)(4)[2] and 10(f)[3] shall be deemed to be hereby transferred to the Secretary of the Interior.

(3) The Secretary of the Interior shall give the Secretary of Health, Education, and Welfare opportunity to select a member of each Hearing Board appointed pursuant to sections 10(c)(4)[2] and 10(f)[3] of the Act as modified by this reorganization plan.

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[1] Sec. 9 relates to Water Pollution Control Advisory Board.
[2] Sec. 10(c)(4) relates to Hearing Board appointed to consider water quality standards.
[3] Sec. 10(f) relates to Hearing Board appointed to make findings and recommendations with respect to pollution of interstate or navigable waters which endangers the health or welfare of persons.

(e) There are excepted from the transfers effected by subsection (a) of this section (1) the functions of the Secretary of Health, Education, and Welfare and the Assistant Secretary of Health, Education, and Welfare under clause (2) of the second sentence of section 1(b)[4] of the Act, and (2) so much of the functions of the Secretary of Health, Education, and Welfare under section 3(b)(2)[5] of the Act as relates to public health aspects.

(f) The functions of the Surgeon General under section 2(k) of the Water Quality Act of 1965 (79 Stat. 905)[6] are transferred to the Secretary of Health, Education, and Welfare. Within 90 days after this reorganization plan becomes effective, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall present to the President for his approval an interdepartmental agreement providing in detail for the implementation of the consultations provided for by said section 2(k). Such interdepartmental agreement may be modified from time to time by the two Secretaries with the approval of the President.

(g) The functions of the Secretary of Health, Education, and Welfare under sections 2(b), (c), and (g)[7] of the Water Quality Act of 1965 are hereby transferred to the Secretary of the Interior: *Provided*, That the Secretary of the Interior may exercise the authority to provide further periods for the transfer to classified positions in the Federal Water Pollution Control Administration of commissioned officers of the Public Health Service under said section 2(b) only with the concurrence of the Secretary of Health, Education, and Welfare.

(h) The functions of the Secretary of Health, Education, and Welfare under the following provisions of law are hereby transferred to the Secretary of the Interior:

(1) Section 702(a) of the Housing and Urban Development Act of 1965 (79 Stat. 490).[8]

(2) Section 212 of the Appalachian Regional Development Act of 1965 (79 Stat. 16).[9]

(3) Section 106 of the Public Works and Economic Development Act of 1965 (79 Stat. 554).[10]

SEC. 2. ASSISTANT SECRETARY OF THE INTERIOR.—There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, shall be appointed by the President, by and with the advice and consent of the Senate, who shall, except as the Secretary of the Interior may direct otherwise, assist the Secretary in the discharge of the functions transferred to him hereunder, who shall perform such other duties as the Secretary shall from time to time

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[4] Sec. 1(b) relates to the administration of functions of the Department of Health, Education, and Welfare related to water pollution, other than those authorized by the Act. The attached print of the Act reflects this provision of the reorganization plan.

[5] Sec. 3(b)(2) relates to giving advice to Federal construction agencies on the need for and the value of storage for streamflow regulation for water quality control in the planning of reservoirs.

[6] Sec. 2(k) of the Water Quality Act of 1965 does not amend the basic Federal Water Pollution Control Act. The subsection requires that the Surgeon General shall be consulted by the head of the Federal Water Pollution Control Administration on the public health aspects relating to water pollution over which the latter official has administrative responsibility.

[7] Sec. 2 of the Water Quality Act of 1965 includes provisions relating to the voluntary transfer to civil service status of commissioned officers of the Public Health Service performing functions relating to the Federal Water Pollution Control Act. These provisions do not amend the basic Federal Water Pollution Control Act.

prescribe, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS.—The provisions of sections 2 and 5 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262)[11] shall be applicable to the functions transferred hereunder to the Secretary of the Interior to the same extent as they are applicable to the functions transferred to the Secretary thereunder.

SEC. 4. INCIDENTAL PROVISIONS.—(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of the Interior or the Department of the Interior by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of the Interior at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) This reorganization plan shall not impair the transfer rights and benefits of commissioned officers of the Public Health Service provided by section 2 of the Water Quality Act of 1965.[7]

SEC. 5. ABOLITION OF OFFICE.—(a) There is hereby abolished that office of Assistant Secretary of Health, Education, and Welfare the incumbent of which is on date of the transmittal of this reorganization plan to the Congress the Assistant Secretary of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare under the provisions of section 1(b) [12] of the Act.

(b) The Secretary of Health, Education, and Welfare shall make such provisions as he shall deem to be necessary respecting the winding up of any outstanding affairs of the Assistant Secretary whose office is abolished by subsection (a) of this section.

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[8] Sec. 207(a) of the Housing and Urban Development Act of 1965 provides that no grant for sewer facilities may be made by the Secretary of Housing and Urban Development (formerly the Housing and Home Finance Administrator) unless the Secretary of Health, Education, and Welfare certifies to the former official that any waste material carried by such facilities will be adequately treated before it is discharged into any public waterway so as to meet applicable Federal, State, interstate, or local water quality standards.

[9] Sec. 212 of the Appalachian Regional Development Act of 1965 authorizes the Secretary of Health, Education, and Welfare to make grants for the construction of sewage treatment works in the Appalachian Region in accordance with the provisions of the Federal Water Pollution Control Act, without regard to appropriation authorization ceilings or State allotments.

[10] Sec. 106 of the Public Works and Economic Development Act of 1965 provides that no financial assistance, through grants, loans, guarantees, or otherwise, shall be made under the Act to be used directly or indirectly for sewer or other waste disposal facilities unless the Secretary of Health, Education, and Welfare certifies to the Secretary of Commerce that any waste material carried by such facilities will be adequately treated before it is discharged into any public waterway so as to meet applicable Federal, State, interstate, or local water quality standards.

[11] Reorganization Plan No. 3 of 1950 transferred to the Secretary of the Interior (with certain exceptions) all functions of all other officers of the Department and all functions of all agencies and all employees of the Department. Sec. 2 authorized him to delegate functions to any other officer, any agency, or any employee of the Department. Sec. 5 authorized him to effect incidental transfers within the Department of records, property, personnel, and unexpended funds.

[12] Sec. 1(b) provides that the Secretary of Health, Education, and Welfare shall administer the Act through the Federal Water Pollution Control Administration and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him. The attached print of the Act reflects the abolition of this position and the establishment of the position of an additional Assistant Secretary of the Interior under Section 2 of the reorganization plan.

Executive Order 11523

ESTABLISHING THE NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

By virtue of the authority vested in me as President of the United States, and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the National Industrial Pollution Control Council (hereinafter referred to as "the Industrial Council") which shall be composed of a Chairman, a Vice-chairman, and other representatives of business and industry appointed by the Secretary of Commerce (hereinafter referred to as "the Secretary").

(b) The Secretary, with the concurrence of the Chairman, shall appoint an Executive Director of the Industrial Council.

SEC. 2. *Functions of the Industrial Council.* The Industrial Council shall advise the President and the Chairman of the Council on Environmental Quality, through the Secretary, on programs of industry relating to the quality of the environment. In particular, the Industrial Council may—

(1) Survey and evaluate the plans and actions of industry in the field of environmental quality.

(2) Identify and examine problems of the effects on the environment of industrial practices and the needs of industry for improvements in the quality of the environment, and recommend solutions to those problems.

(3) Provide liaison among members of the business and industrial community on environmental quality matters.

(4) Encourage the business and industrial community to improve the quality of the environment.

(5) Advise on plans and actions of Federal, State, and local agencies involving environmental quality policies affecting industry which are referred to it by the Secretary, or by the Chairman of the Council on Environmental Quality through the Secretary.

SEC. 3. *Subordinate Committees.* The Industrial Council may establish, with the concurrence of the Secretary, such subordinate committees as it may deem appropriate to assist in the performance of its functions. Each subordinate committee shall be headed by a chairman appointed by the Chairman of the Industrial Council with the concurrence of the Secretary.

SEC. 4. *Assistance for the Industrial Council.* In compliance with applicable law, and as necessary to serve the purposes of this order, the Secretary shall provide or arrange for administrative and staff services, support, and facilities for the Industrial Council and any of its subordinate committees.

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SEC. 5. *Expenses.* Members of the Industrial Council or any of its subordinate committees shall receive no compensation from the United States by reason of their services hereunder, but may be allowed travel expenses, including per diem in lieu of subsistnece, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

SEC. 6. *Regulations.* The provisions of Executive Order No. 11007 of February 26, 1962 (3 CFR 573), prescribing regulations for the formation and use of advisory committees, are hereby made applicable to the Industrial Council and each of its subordinate committees. The Secretary may exercise the discretionary powers set forth in that order.

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency to the authority of any other Federal agency or of the Industrial Council or of any of its subordinate committees, or as abrogating or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
April 9, 1970.

[F.R. Doc. 70-4512; Filed, Apr. 9, 1970; 1:30 p.m.]

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THE PRESIDENT

Executive Order 11514

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full

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compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

SEC. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

SEC. 4. *Amendments of E.O. 11472.* Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget,", the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91-190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91-190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "(hereinafter referred to as the 'Citizens' Committee')".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

Richard Nixon

THE WHITE HOUSE,
March 5, 1970.

[F.R. Doc. 70-2861; Filed, Mar. 5, 1970; 2:29 p.m.]

THE PRESIDENT

Executive Order 11507

PREVENTION, CONTROL, AND ABATEMENT OF AIR AND WATER POLLUTION AT FEDERAL FACILITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

SEC. 2. *Definitions.* As used in this order:

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the Interior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed pursuant to section 4(b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 3. *Responsibilities.* (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

SEC. 4. *Standards.* (a) Heads of agencies shall ensure that all facilities under their jurisdiction are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measure shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropriate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate, and local agencies, may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned. A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

SEC. 5. *Procedures for abatement of air and water pollution at existing Federal facilities.* (a) Actions necessary to meet the requirements of subsections (a)(1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5(a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

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(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections 4 (a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such requests if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4 (a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

SEC. 6. *Procedures for new Federal facilities.* (a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility will meet the requirements of section 4 of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated outside the United States.

SEC. 7. *Procedures for Federal water resources projects.* (a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or recommendations with respect to

the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

SEC. 8. *Saving provisions.* Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

SEC. 9. *Orders superseded.* Executive Order No. 11282 of May 26, 1966, and Executive Order No. 11288 of July 2, 1966, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
February 4, 1970.

[F.R. Doc. 70-1566; Filed, Feb. 4, 1970; 12:33 p.m.]

EXECUTIVE ORDER 11288

PREVENTION, CONTROL, AND ABATEMENT OF WATER POLLUTION BY FEDERAL ACTIVITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and Reorganization Plan No. 2 of 1966 (31 F.R. 6857), it is ordered as follows:

SECTION 1. *Policy.* The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Pollution from all existing Federal facilities and buildings shall be controlled in accordance with plans to be submitted to the Director of the Bureau of the Budget pursuant to Section 3 of this order;

(2) New Federal facilities and buildings shall be constructed so as to meet the pollution control standards prescribed by Section 4 of this order;

(3) Pollution caused by all other operations of the Federal Government, such as water resources projects and operations under Federal loans, grants, or contracts, shall be reduced to the lowest level practicable;

(4) Review and surveillance of all such activities shall be maintained to assure that pollution control standards are met on a continuing basis;

(5) The Secretary of the Interior shall, in administering the Federal Water Pollution Control Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this order;

(6) The head of each department, agency, and establishment shall ensure compliance with Section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C.. 466h), which, as modified by Reorganization Plan No. 2 of 1966 (31 F.R. 6857), declares it to be the intent of Congress that Federal departments and agencies shall, insofar as practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Secretary of the Interior and with State and interstate agencies and municipalities, in preventing or controlling water pollution; and

(7) Water pollution control needs shall be considered in the initial stages of planning for each new installation or project, and the head of each department, agency, and establishment shall establish appropriate procedures for securing advice and for consulting with the Secretary of the Interior at the earliest feasible stage.

SEC. 2. *Procedures for new Federal facilities and buildings.* (a) A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the general standards prescribed by Section 4 of this order.

(b) Prior to any solicitation of bids for construction of any such new facility or building a description of the essential features of the water pollution control and treatment measures proposed for the project shall be submitted to the Secretary of the Interior for prompt review and advice as to the adequacy and effectiveness of the measures proposed and for advice as to any related operating procedures and continuing laboratory examinations deemed necessary to ensure effective plant operation.

SEC. 3. *Procedures for existing Federal facilities and buildings.* (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1966, a phased and orderly plan for installing such improvements as may be needed to prevent water pollution, or abate such water pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revisions therein, shall be developed in consultation with the Secretary of the Interior in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of water pollution in conformity with the general standards prescribed by Section 4 of this order.

(b) The head of each department, agency, and establishment shall present to the Director of the Bureau of the Budget, by July 1, 1967, and by the first of each fiscal year thereafter, an annual report describing the progress of his department, agency, or establishment in accomplishing the objectives of its pollution abatement plan.

SEC. 4. *General standards.* (a) Federal installations shall provide secondary treatment, or its equivalent, for all wastes except cooling water and fish hatchery effluents. Discharge of wastes into municipal sewerage systems maintaining adequate treatment is hereby declared to be the preferred method of disposal. However, whenever connection

to such a system is not feasible, the department, agency, or establishment concerned shall be responsible for installing its own waste treatment system. Upon an application of the head of a department, agency, or establishment, a degree of treatment less than secondary may be approved with respect to an agency-installed system in an exceptional case if the Secretary of the Interior finds that a lesser degree of treatment is adequate to protect the quality of the receiving waters.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities shall be installed, or operating procedures shall be established, to maintain water temperatures within acceptable limits.

(c) Storage facilities for materials which are hazardous to health and welfare, and for oils, gases, fuels or other materials capable of causing water pollution, if accidentally discharged, shall be located so as to minimize or prevent any spillage which might result in water pollution. Engineering measures to entrap spillage, such as catchment areas, relief vessels, or entrapment-dikes, shall be installed so as to prevent accidental pollution of water.

(d) No waste shall be discharged into waters if it contains any substances in concentrations which are hazardous to health.

(e) No waste shall be discharged into waters if it contains any substances in concentrations which will result in substantial harm to domestic animals, fish, shellfish, or wildlife, if methods of treatment or disposal are available that will remove or render harmless such pollutants. If such methods are not available, but can reasonably be developed, they will be developed and used at the earliest possible date. A determination that such methods are not available or cannot reasonably be developed will not be made without the concurrence of the Secretary of the Interior.

(f) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, make, or cause to be made, such surveys as may be necessary to ensure that discharges of waste effluents from activities concerned with radioactivity are in accord with the applicable rules, regulations, or requirements of the Atomic Energy Commission (10 CFR, Part 20) and the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(g) Construction and operating plans for waste treatment facilities shall include space for the conduct of necessary laboratory analyses and for the maintenance of records of results thereof whenever the size and complexity of the system makes this necessary.

(h) Construction and operating plans for waste treatment facilities shall take into account water quality standards promulgated pursuant to the provisions of the Water Quality Act of 1965 (79 Stat. 903).

(i) Any waste treatment facilities installed by any department, agency, or establishment shall as far as practicable be constructed so as to conform with any areawide program, meeting criteria established by the Secretary of Housing and Urban Development for a unified or officially coordinated areawide sewer facilities system as part of the comprehensively planned development of the area pursuant to Section 702(c) of the Housing and Urban Development Act of 1965, that may have been adopted with respect to the area concerned.

SEC. 5. *Modification of standards.* The standards prescribed by paragraphs (a) through (e) and (g) through (i) of Section 4 of this order may be supplemented or modified by the Secretary of the Interior, after consultation with the Director of the Bureau of the Budget. All such changes shall be published in the FEDERAL REGISTER.

SEC. 6. *Procedures for Federal water resources projects.* (a) The Secretaries of Agriculture and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall present for the consideration of the Secretary of the Interior any plans that they propose to recommend with respect to the authorization or construction of any Federal water resource development project in the United States. Such plans must be consistent with the general standards prescribed by Section 4 of this order to the fullest extent practicable. The Secretary of the Interior shall review such plans and supporting data relating to water quality, and shall prepare a report to the head of the responsible department, agency, or establishment describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary with respect to the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany any report proposing authorization or construction of such a water resource development project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the department, agency, or establishment concerned may propose authorization or construction of the project without such an accompanying report. In any such case, the head of the department, agency, or establishment concerned shall explicitly state in his report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

SEC. 7. *Review of facilities or operations supported by Federal loans, grants, or contracts.* (a) The head of each department, agency, and establishment shall conduct a review of the loan, grant, and contract practices of his organization to determine the extent to which water pollution control standards similar to those set forth in this order for direct Federal operations should be adhered to by borrowers, grantees, or contractors with respect to their operations in the United States. The head of each department, agency, and establishment

shall review all such activities for which there is a significant potential for reduction of water pollution and develop appropriate recommendations for accomplishing such reduction. In conducting this review, necessary technical assistance should be sought from the Secretary of the Interior and the heads of other appropriate Federal agencies. A report on the results of this review shall be submitted to the Director of the Bureau of the Budget by July 1, 1966.

(b) The heads of departments, agencies, and establishments are encouraged to prescribe regulations covering loan, grant, or contract practices designed to reduced water pollution.

SEC. 8. *Study of water pollution from vessel operations.* The Secretary of the Interior shall make a comprehensive study of the problem of water pollution within the United States caused by the operation of vessels, and shall develop such recommendations for corrective or preventive action as may be appropriate, including recommendations with respect to vessels operated by any department, agency, or establishment of the Federal Government. The results of the study and recommendations shall be transmitted to the President by January 1, 1967. The study and report thereon shall be prepared in consultation with, and with the advice and assistance of, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare.

SEC. 9. *Prior Executive order superseded.* Executive Order No. 11258 of November 17, 1965, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
July 2, 1966.

[F.R. Doc. 66-7460; Filed, July 5, 1966; 4:46 p.m.]

INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES

Signed at Brussels November 29, 1969.

The States Parties to the present Convention,

CONSCIOUS of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

CONVINCED that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

HAVE AGREED as follows:

ARTICLE I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a state and used, for the time being, only on government non-commercial service.

ARTICLE II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

2. "ship" means:

(a) any sea-going vessel of any type whatsoever, and

(b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "related interests" means the interests of a coastal state directly affected or threatened by the maritime casualty, such as:

(a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) tourist attractions of the area concerned;

(c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE III

When a coastal state is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

(a) before taking any measures, a coastal state shall proceed to consultations with other states affected by the maritime casualty, particularly with the flag state or states;

(b) the coastal state shall notify without delay the proposed measures to any persons physical or corporate known to the coastal state, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal state shall take into account any views they may submit;

(c) before any measure is taken, the coastal state may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(d) in cases of extreme urgency requiring measures to be taken immediately, the coastal state may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(e) a coastal state shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(f) measures which have been taken in application of Article I shall be notified without delay to the states and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

ARTICLE IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by parties to this Convention. The experts shall be paid on the basis of services rendered by the states utilizing those services.

Article V

1. Measures taken by the coastal state in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag state, third states and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

(a) the extent and probability of imminent damage if those measures are not taken; and
(b) the likelihood of those measures being effective; and
(c) the extent of the damage which may be caused by such measures.

Article VI

Any party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

Article VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the parties or any interested physical or corporate person of any remedy otherwise applicable.

Article VIII

1. Any controversy between the parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the parties involved or between the party which took the measures and the physical or corporate claimants has not been possible, and if the parties do not otherwise agree, be submitted upon request of any of the parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own court have not been exhausted.

Article IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice may become parties to this Convention by:

(a) signature without reservation as to ratification, acceptance or approval;

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(c) accession.

ARTICLE X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing parties or after the completion of all measures required for the entry into force of the amendment with respect to those parties shall be deemed to apply to the Convention as modified by the amendment.

ARTICLE XI

1. The present Convention shall enter into force on the ninetieth day following the date on which governments of fifteen states have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each state which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such state of the appropriate instrument.

ARTICLE XII

1. The present Convention may be denounced by any party at any time after the date on which the Convention comes into force for that state.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

ARTICLE XIII

1. The United Nations where it is the administering authority for a territory, or any state party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that

territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any party which has made a declaration under paragraph 1 of this article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the parties.

Article XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all states which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convenvention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) transmit certified true copies of the present Convention to all Signatory States and to all states which accede to the present Convention.

Article XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

[Signed on behalf of the governments of Cameroon, Republic of China, France, Federal Republic of Germany, Guatemala, Iceland, Indonesia, Italy, Korea, Malagasy Republic, Monaco, Poland, Switzerland, United Kingdom, United States and Yugoslavia.]

ANNEX

Chapter I

Conciliation

Article 1

Provided the parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this chapter.

Article 2

1. A Conciliation Commission shall be established upon the request of one party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two parties, any other party the nationals or property of which have been affected by the same measures, or which is a coastal state having taken similar measures, may join in the conciliation procedure by giving written notice to the parties which have originally initiated the procedure unless either of the latter parties object to such joinder.

Article 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal state which took the measures, one nominated by the state the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the party to which such request is made has not given notice to the other party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the parties, the first two Conciliators have not been able to designate by common agreement the Chairman of the Commission, the Secretary-General of the Organization shall upon request of either party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original parties to the procedure, whatever the method of his nomination.

ARTICLE 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the parties and shall be kept up to date by the Organization. Each party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

ARTICLE 5

1. Provided the parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the parties and the Commission. Each of the parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the parties as well as from any persons whom, with the consent of their governments, it may deem useful to call.

ARTICLE 6

Provided the parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

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ARTICLE 7

The parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Commission with the necessary documents and information;

(b) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

ARTICLE 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the parties. After examining the case, the Commission shall communicate to the parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the parties are called upon to state whether or not they accept the recommendation.

ARTICLE 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

ARTICLE 10

A conciliation shall be deemed unsuccessful if, 90 days after the parties have been notified of the recommendation, either party shall not have notified the other party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above, or provided the parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

ARTICLE 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

ARTICLE 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

Chapter II

Arbitration

Article 13

1. Arbitration procedure, unless the parties decide otherwise, shall be in accordance with the rules set out in this chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

Article 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal state which took the measures, one Arbitrator nominated by the state the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

Article 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present article.

3. The Chairman of the Tribunal shall, upon nomination, request the party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present article, shall not be or have been a national of one of the parties concerned, except with the consent of the other party or parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the parties is responsible, the said party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present article.

ARTICLE 16

If a procedure has been initiated between two parties, any other party, the nationals or property of which have been affected by the same measures or which is a coastal state having taken similar measures, may join in the arbitration procedure by giving written notice to the parties which have originally initiated the procedure unless either of the latter parties objects to such joinder.

ARTICLE 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

ARTICLE 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one party shall not constitute an impediment to the procedure.

ARTICLE 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The parties shall immediately comply with the award.

2. Any controversy which may arise between the parties as regards interpretation and execution of the award may be submitted by either party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Signed at Brussels, November 29, 1969.

The States Parties to the present Convention,

CONSCIOUS of the dangers of pollution posed by the worldwide maritime carriage of oil in bulk,

CONVINCED of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

DESIRING to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

HAVE AGREED as follows:

ARTICLE I

For the purposes of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a state or any of its constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a state and operated by a company which in that state is registered as the ship's operator, "owner" shall mean such company.

4. "State of the ship's registry" means in relation to registered ships the state of registration of the ship, and in relation to unregistered ships the state whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

9. "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE II

This Convention shall apply exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimize such damage.

ARTICLE III

1. Except as provided in paragraphs 2 and 3 of this article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he proves that the damage:

(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(b) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(c) was wholly caused by the negligence or other wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

ARTICLE IV

When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

ARTICLE V

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph 1 of this article.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this article the owner shall constitute a fund for the total sum representing the limit of his liability with the court or other competent authority of any one of the Contracting States in which action is brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the court or another competent authority.

4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial security has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person would have enjoyed a right of subrogation under paragraph 5 or 6 of this article, had the compensation been paid before the fund was distributed, the court or other competent authority of the state where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.

9. The franc mentioned in this article shall be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred. The amount mentioned in paragraph 1 of this article shall be converted into the national currency of the state in which the fund is being constituted on the basis of the value of that currency by reference to the unit defined above on the date of the constitution of the fund.

10. For the purpose of this article the ship's tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in

accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 percent of the weight in tons (of 2240 lbs.) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of the actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article VI

1. Where the owner, after an incident, has constituted a fund in accordance with Article V, and is entitled to limit his liability,

(a) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(b) the court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the court administering the fund and the fund is actually available in respect of his claim.

Article VII

1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in Article V, paragraph 1 to cover his liability for pollution damage under this Convention.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship. It shall be issued or certified by the appropriate authority of the state of the ship's registry after determining that the requirements of paragraph 1 of this article have been complied with. This certificate shall be in the form of the annexed model and shall contain the following particulars:

(a) name of ship and port of registration;

(b) name and principal place of business of owner;

(c) type of security;

(d) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;

(e) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of the issuing state. If the language used is neither English nor French, the text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry.

5. An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.

6. The state of registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them. A Contracting State may at any time request consultation with the state of a ship's registry should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in Article V, paragraph 1. He may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this article shall be available exclusively for the satisfaction of claims under this Convention.

10. A Contracting State shall not permit a ship under its flag to which this article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this article.

11. Subject to the provisions of this article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

12. If insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the state of the ship's registry stating that the ship is owned by that state and that the ship's liability is covered within the limits prescribed by Article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this article.

Article VIII

Rights of compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

Article IX

1. Where an incident has caused pollution damage in the territory including the territorial sea of one or more Contracting States, or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea, actions for compensation may only be brought in the courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

2. Each Contracting State shall ensure that its courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with Article V the courts of the state in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article X

1. Any judgment given by a court with jurisdiction in accordance with Article IX which is enforceable in the state of origin where it is no longer subject to ordinary forms of review, shall be recognized in any Contracting State, except:

(a) where the judgment was obtained by fraud; or

(b) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this article shall be enforceable in each Contracting State as soon as the formalities required in that state have been complied with. The formalities shall not permit the merits of the case to be re-opened.

ARTICLE XI

1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a state and used, for the time being, only on government non-commercial service.

2. With respect to ships owned by a Contracting State and used for commercial purposes, each state shall be subject to suit in the jurisdictions set forth in Article IX and shall waive all defences based on its status as a sovereign state.

ARTICLE XII

This Convention shall supersede any international conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to the extent that such conventions would be in conflict with it; however, nothing in this article shall affect the obligations of Contracting States to non-Contracting States arising under such international conventions.

ARTICLE XIII

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice may become parties to this Convention by:

(a) signature without reservation as to ratification, acceptance or approval;
(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
(c) accession.

ARTICLE XIV

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Contracting States, or after the completion of all measures required for the entry into force of the amendment with respect to those Contracting States shall be deemed to apply to the Convention as modified by the amendment.

ARTICLE XV

1. The present Convention shall enter into force on the ninetieth day following the date on which governments of eight states including five states each with not less than 1,000,000 gross tons of tanker tonnage have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each state which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such state of the appropriate instrument.

ARTICLE XVI

1. The present Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that state.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

ARTICLE XVII

1. The United Nations, where it is the administering authority for a territory, or any Contracting State responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territory or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Contracting State which has made a declaration under paragraph 1 of this article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

ARTICLE XVIII

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting States for revising or amending the present Convention at the request of not less than one-third of the Contracting States.

ARTICLE XIX

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all states which have signed or acceded to the Convention of

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XVII and of the termination of any such extension under the provisions of paragraph 4 of that article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) transmit certified true copies of the present Convention to all Signatory States and to all states which accede to the present Convention.

ARTICLE XX

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XXI

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

[Signed on behalf of the governments of Cameroon, Republic of China, France, Federal Republic of Germany, Guatemala, Iceland, Indonesia, Italy, Korea, Malagasy Republic, Monaco, Poland, Switzerland, United Kingdom, United States and Yugoslavia.]

ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969.

NAME OF SHIP	DISTINCTIVE NUMBER OR LETTERS	PORT OF REGISTRY	NAME AND ADDRESS OF OWNER

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article III of the International Convention on Civil Liability for Oil Pollution Damage, 1969.

Type of Security .....

.....

Duration of Security .....

.....

Name and Address of the Insurer(s) and/or Guarantor(s)

Name .....

Address .....

.....

This certificate is valid until .....

Issued or certified by the Government of .....

.....

(Full designation of the State)

At ..... On .....

(Place) (Date)

.....

Signature and Title of issuing or certifying official.

EXPLANATORY NOTES:

1. If desired, the designation of the state may include a reference to the competent public authority of the country where the certificate is issued.

2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be enumerated.

4. The entry "Duration of the Security" must stipulate the date on which such security takes effect.

POOR ORIGINAL COPY - BEST AVAILABLE AT TIME FILMED

International Convention for the Prevention of Pollution of the Sea by Oil, 1954

Opened for signature at London May 12, 1954;
Ratification advised by the Senate of the United States of America, subject to an understanding, reservations, and a recommendation, May 16, 1961;
Ratified, and acceptance declared, by the President of the United States of America, subject to the said understanding, reservations, and recommendation, May 29, 1961;
Acceptance deposited with the Intergovernmental Maritime Consultative Organization, subject to the said understanding, reservations, and recommendation, September 8, 1961;
Proclaimed by the President of the United States of America December 8, 1961;
Entered into force for the United States of America December 8, 1961.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, was opened for signature at London on May 12, 1954, remained open for signature for three months during which period it was signed in behalf of twenty States, not including the United States of America, and thereafter remained open for acceptance;

WHEREAS the text of the said Convention in the English and French languages, as certified by the Government of the United Kingdom of Great Britain and Northern Ireland, is word for word as follows:

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954,

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:-

ARTICLE I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:-

"The Bureau" has the meaning assigned to it by Article XXI;

"Discharge" in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

"Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.158/53;

"Mile" means a nautical mile of 6080 feet or 1852 metres;

"Oil" means crude oil, fuel oil, heavy diesel oil and lubricating oil, and "oily" shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

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ARTICLE II

The present Convention shall apply to sea-going ships registered in any of the territories of a Contracting Government, except

(i) ships for the time being used as naval auxiliaries;

(ii) ships of under 500 tons gross tonnage;

(iii) ships for the time being engaged in the whaling industry;

(iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

ARTICLE III

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of–

(*a*) oil;

(*b*) any oily mixture the oil in which fouls the surface of the sea, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that:–

(*a*) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and

(*b*) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(*d*) *The Australian Zone*

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:—

(*a*) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(*b*) *The North Sea and Atlantic Zones*

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium
Denmark
the Federal Republic of Germany
Ireland
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of the territory in which the ship is registered.

ARTICLE IV

(1) Article III shall not apply to:–

(*a*) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(*b*) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape;

(*c*) the discharge of sediment:–

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

ARTICLE V

Article III shall not apply to the discharge from the bilges of a ship:–

(*a*) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;

(*b*) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

ARTICLE VI

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory

shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

Article VII

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

Article VIII

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

Article IX

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official logbook or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings

as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

ARTICLE X

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

ARTICLE XI

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

ARTICLE XII

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:–

(*a*) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(*b*) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

ARTICLE XIII

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which can-

not be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Governments may become parties to the Convention by–

(i) signature without reservation as to acceptance;

(ii) signature subject to acceptance followed by acceptance; or

(iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

ARTICLE XV

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2)—(*a*) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(*b*) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ARTICLE XVI

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come

into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3)—(*a*) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(*b*) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

Article XVII

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

Article XVIII

(1)—(*a*) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.

(*b*) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(2)—(*a*) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.

(*b*) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

Article XIX

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

Article XX

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

Article XXI

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948,[1] and thereafter the duties of the Bureau shall be carried out by the said Organisation.

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[1] TIAS 4044; 9 UST 621.

In witness whereof the undersigned plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

En foi de quoi les Plénipotentiaires ont signé la présente Convention.

Fait à Londres, ce douzième jour de mai 1954, en anglais et en français, les deux textes faisant également foi, en un seul exemplaire qui sera déposé au Bureau et dont celui-ci donnera copies conformes à tous les Gouvernements Contractants.

For the Government of Australia:
Pour le Gouvernement de l'Australie:

For the Government of Belgium:
Pour le Gouvernement de la Belgique:

Subject to acceptance,

M. A. VAN BOECKEL.

For the Government of Brazil:
Pour le Gouvernement du Brésil:

For the Government of Canada:
Pour le Gouvernement du Canada:

ALAN CUMYN.

Subject to ratification.

For the Government of Ceylon:
Pour le Gouvernement de Ceylan:

T. D. PERÉRA.

Subject to acceptance.

For the Government of Chile:
Pour le Gouvernement du Chili:

For the Government of Denmark:
Pour le Gouvernement du Danemark:

Subject to acceptance,

MOGENS BLACH.

For the Government of Finland:
Pour le Gouvernement de Finlande:

Subject to acceptance,

S. SUNDMAN.

For the Government of France:
Pour le Gouvernement de la République Française:

Sous réserve de ratification,

R. MASSIGLI.

For the Government of the Federal Republic of Germany:
Pour le Gouvernement de la République Fédérale d'Allemagne:

Subject to acceptance,

KARL SCHUBERT.

For the Government of Greece:
Pour le Gouvernement de la Grèce:

Subject to acceptance,

M. SAKARIS.

KOSTAS LYRAS.

For the Government of India:
Pour le Gouvernement de l'Inde:

For the Government of Ireland:
Pour le Gouvernement de l'Irlande:

F. H. BOLAND.

Subject to acceptance.

For the Government of Israel:
Pour le Gouvernement d'Israël:

For the Government of Italy:
Pour le Gouvernement de l'Italie:

Subject to acceptance,

GIULIO INGIANNI.

For the Government of Japan:
Pour le Gouvernement du Japon:

Subject to acceptance,

S. MATSUMOTO.

For the Government of Liberia:
Pour le Gouvernement du Libéria:

Subject to acceptance or ratification by the President with the advice and consent of the Liberian Senate,

GEORGE B. STEVENSON.

S. EDWARD PEAL.

For the Government of Mexico:
Pour le Gouvernement du Mexique:

G. LUDERS DE NEGRI.

Subject to acceptance.

For the Government of the Netherlands:
Pour le Gouvernement des Pays-Bas:

A. H. HASSELMAN.

Subject to ratification.

For the Government of New Zealand:
Pour le Gouvernement de la Nouvelle-Zélande:

Subject to acceptance,

F. H. CORNER.

For the Government of Nicaragua:
Pour le Gouvernement du Nicaragua:

For the Government of Norway:
Pour le Gouvernement de la Norvège:

Subject to acceptance,

SIGURD STORHAUG.

For the Government of Panama:
Pour le Gouvernement du Panama:

For the Government of Poland:
Pour le Gouvernement de la Pologne:

For the Government of Portugal:
Pour le Gouvernement du Portugal:

For the Government of Spain:
Pour le Gouvernement de l'Espagne:

For the Government of Sweden:
Pour le Gouvernement de la Suède:

Subject to acceptance,

G. BÖÖS.

For the Government of the Union of Soviet Socialist Republics:
Pour le Gouvernement de l'Union des Républiques Socialistes Soviétiques:

Y. MALIK.

Subject to ratification by the Presidium of the Supreme Soviet of the U.S.S.R.,

Y.M.

For the Government of the United Kingdom of Great Britain and Northern Ireland:
Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:

Subject to acceptance,

GILMOUR JENKINS.

PERCY FAULKNER.

For the Government of the United States of America:
Pour le Gouvernement des Etats-Unis d'Amérique:

For the Government of Venezuela:
Pour le Gouvernement du Vénézuéla:

For the Government of Yugoslavia:
Pour le Gouvernement de la Yougoslavie:

Subject to acceptance,

PREDRAG NIKOLIĆ.

ANNEX A

Prohibited Zones

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:–

(*a*) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(*b*) *The North Sea Zone*

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium
Denmark
the Federal Republic of Germany
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(*c*) *The Atlantic Zone*

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30′ north, longitude 30° west; thence to latitude 44° 20′ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and

(3)—(*a*) Any Contracting Government may propose:—

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(*b*) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

ANNEX B

Form of Oil Record Book

I.—For Tankers

DATE OF ENTRY					
(a) *Ballasting of and discharge of ballast from cargo tanks*					
1. Identity numbers of tank(s)					
2. Type of oil previously contained in tank(s)					
3. Date and place of ballasting					
4. Date and time of discharge of ballast water					
5. Place or position of ship					
6. Approximate amount of oil-contaminated water transferred to slop tank(s)					
7. Identity numbers of slop tank(s)					
(b) *Cleaning of cargo tanks*					
8. Identity numbers of tank(s) cleaned					
9. Type of oil previously contained in tank(s)					
10. Identity numbers of slop tank(s) to which washings transferred					
11. Dates and times of cleaning					

ANNEX B—*continued*

Form of Oil Record Book—*continued*

I.—For Tankers—*continued*

DATE OF ENTRY					
(c) *Settling in slop tank(s) and discharge of water*					
12. Identity numbers of slop tank(s)					
13. Period of settling (in hours)					
14. Date and time of discharge of water					
15. Place or position of ship					
16. Approximate quantities of residue					
(d) *Disposal from ship of oily residues from slop tank(s) and other sources*					
17. Date and method of disposal					
18. Place or position of ship					
19. Sources and approximate quantities					

.....Signature of Officer or Officers in charge of the operations concerned

.....Signature of Master

ANNEX B—*continued*

Form of Oil Record Book—*continued*

II.—For Ships Other Than Tankers

DATE OF ENTRY					
(a) *Ballasting, or cleaning during voyage, of bunker fuel tanks*					
1. Identity number of tank(s)					
2. Type of oil previously contained in tank(s)					
3. Date and place of ballasting					
4. Date and time of discharge of ballast or washing water					
5. Place or position of ship					
6. Whether separator used: if so, give period of use					
7. Disposal of oily residue retained on board					
(b) *Disposal from ship of oily residues from bunker fuel tanks and other sources*					
8. Date and method of disposal					
9. Place or position of ship					
10. Sources and approximate quantities					

.....Signature of Officer or Officers in charge of the operations concerned

.....Signature of Master

ANNEX B—*continued*

Form of Oil Record Book—*continued*

III.—For All Ships

DATE OF ENTRY					
Accidental and other exceptional discharges or escapes of oil					
1. Date and time of occurrence.....	.....	.....	.....	.....	.....
2. Place or position of ship.....	.....	.....	.....	.....	.....
3. Approximate quantity and type of oil.....	.....	.....	.....	.....	.....
4. Circumstances of discharge or escape and general remarks.....	.....	.....	.....	.....	.....

.....Signature of Officer or Officers in charge of the operations concerned

.....Signature of Master

Certified a true copy of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and of the Annexes thereto:

FOREIGN OFFICE
LONDON

E. J. Packard.

Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

16 SEP 1954

WHEREAS the Senate of the United States of America by their resolution of May 16, 1961, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention subject to the following understanding and reservations and with the following recommendation:

"The acceptance by the United States of America of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, is subject to the following understanding:

"In accepting the Convention the United States declares that it does so subject to the understanding that article XI effectively reserves to the parties to the Convention freedom of legislative action in territorial waters, including the application of existing laws, anything in the Convention which may appear to be contrary notwithstanding. Specifically, it is understood that offenses in U.S. territorial waters will continue to be punishable under U.S. laws regardless of the ship's registry;

"The acceptance by the United States of America of the said Convention is subject to the following reservations:

"1. The United States accepts article VIII of the Convention, subject to the reservation that, while it will urge port authorities, oil terminals or private contractors to provide adequate disposal facilities, the United States shall not be obliged to construct, operate, or maintain shore facilities at places on U.S. coasts or waters where such facilities may be deemed inadequate, or to assume any financial obligation to assist in such activities;

"2. The United States accepts the Convention subject to the reservation that amendments communicated to contracting governments under the provisions of paragraph (2) of article XVI will

become binding upon the United States of America only after notification of acceptance thereof has been given by the United States.

"The United States of America, in accepting the Convention subject to the aforesaid understanding and reservations, recommends that the parties give consideration to the formulation of amendments to the Convention at the earliest practicable date to bring about—

"(1) International uniformity in fines and penalties;

"(2) International uniformity of enforcement;

"(3) A more realistic definition of what shall constitute oil pollution;

"(4) The right of access of each contracting government to the official reports of other contracting governments filed with the bureau which relate to its own vessels; and

"(5) A more flexible arrangement for fixing the time within which contracting governments shall notify the bureau whether or not they accept an amendment";

WHEREAS the said Convention was duly ratified by the President of the United States of America on May 29, 1961, in pursuance of the said advice and consent of the Senate, subject to the understanding and reservations and with the recommendation as aforesaid;

WHEREAS it is provided in Article XIV of the Convention that Governments may become parties by (i) signature without reservation as to acceptance, (ii) signature subject to acceptance followed by acceptance, or (iii) acceptance;

WHEREAS it is provided in Article XV of the Convention that the Convention shall enter into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage;

WHEREAS it is further provided in Article XV of the Convention that for each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force it shall come into force on that date, and for each Government which accepts the Convention on or after that date it shall come into force three months after the date of deposit of that Government's acceptance;

WHEREAS no signature was affixed to the Convention without reservation as to acceptance, all signatures affixed thereto being subject to acceptance or ratification;

WHEREAS instruments of acceptance of the Convention were deposited with the Government of the United Kingdom of Great Britain and Northern Ireland pursuant to Article XIV and Article XXI of the Convention as follows:

(a) By Governments of countries each having a tanker tonnage of not less than 500,000 gross tons: The United Kingdom of Great Britain and Northern Ireland on May 6, 1955; Sweden on May 24, 1956; Denmark on November 26, 1956; Norway on January 26, 1957; and France on July 26, 1957; and

(b) By other Governments: Mexico on May 10, 1956; the Federal Republic of Germany on June 11, 1956; Canada on December 19, 1956; Ireland on February 13, 1957; Belgium on April 16, 1957; and the Netherlands on July 24, 1958.

WHEREAS the Convention entered into force for the aforesaid Governments, pursuant to Article XV, on July 26, 1958.

WHEREAS an instrument of acceptance by the Government of Finland was deposited on December 30, 1958 with the Government of the United Kingdom of Great Britain and Northern Ireland, and an instrument of acceptance by the Government of Poland was deposited on February 28, 1961 with the Intergovernmental Maritime Consultative Organization, which under Article XXI of the Convention had succeeded to the depositary duties, and the Convention accordingly entered into force for the Governments of Finland and Poland, pursuant to Article XV, three months after the respective dates of deposit;

WHEREAS an instrument of acceptance by the Government of the United States of America was deposited with the Intergovernmental Maritime Consultative Organization on September 8, 1961, subject to the understanding and reservations and with the recommendation as aforesaid;

AND WHEREAS, pursuant to paragraph (2) (a) of Article XV, the Convention entered into force for the United States of America, subject to the understanding and reservations and with the recommendation as aforesaid, on December 8, 1961;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the said International Convention for the Prevention of Pollution of the Sea by Oil, 1954, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after December 8, 1961, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, subject to the understanding and reservations and with the recommendation as aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred sixty-one and of the Independence of the United States of America the one hundred eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:
DEAN RUSK
Secretary of State

Prevention of Pollution of the Sea by Oil

Amendments adopted by the Conference of Contracting Governments to the Convention of 1954, held at London, April 4–11, 1962;
Ratification advised by the Senate of the United States of America February 25, 1964;
Ratified by the President of the United States of America September 9, 1966;
Acceptance by the United States of America deposited with the Intergovernmental Maritime Consultative Organization September 21, 1966;
Proclaimed by the President of the United States of America October 7, 1966;
Dates of entry into force:
May 18, 1967 for amendments to Articles I–X, XVI, and XVIII and Annexes A and B;
June 28, 1967, for amendment to Article XIV.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a series of amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, [1] adopted by a Conference of Contracting Governments which convened at London from April 4 to April 11, 1962, was communicated to all Contracting Governments for their acceptance in accordance with paragraph (3) of Article XVI of that Convention;

WHEREAS the text of those amendments, in the English and French languages, as certified by the Secretary-General of the Inter-Governmental Maritime Consultative Organization, is word for word as follows:

ANNEX [1]

The following are the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954:

1. The existing text of Article I of the Convention is replaced by the following:

Article I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

'The Bureau' has the meaning assigned to it by Article XXI;

'Discharge' in relation to oil or to oily mixture means any discharge or escape howsoever caused;

'Heavy diesel oil' means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.86/59;

'Mile' means a nautical mile of 6,080 feet or 1,852 metres;

'Oil' means crude oil, fuel oil, heavy diesel oil and lubricating oil, and 'oily' shall be construed accordingly;

'Oily mixture' means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture;

'Organization' means the Inter-Governmental Maritime Consultative Organization;

'Ship' means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and 'tanker' means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(2) For the purposes of the present Convention, the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which it is responsible and to which the Convention shall have been extended under Article XVIII.

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[1] The text of the amendments constituted the Annex to the Final Act of the Conference of Contracting Governments.

ANNEXE

On trouvera ci-après les amendements à la Convention internationale pour la prévention de la pollution des eaux de la mer par les hydrocarbures de 1954:

1. Le texte actuel de l'article I de la Convention est remplacé par le texte suivant:

Article I

1) Aux fins de la présente Convention, les expressions suivantes, sous réserve de tout autre sens commandé par le contexte, ont les significations ci-après:

« Le Bureau » est pris au sens qui lui est attribué par l'article XXI;

Il faut entendre par:

« rejet »: lorsqu'il s'agit d'hydrocarbures ou d'un mélange d'hydrocarbures, tout déversement ou fuite, quelle qu'en soit la cause;

« huile diesel lourde »: l'huile diesel employée par des navires, dont la distillation à une température n'excédant pas 340°C., lorsque soumise à l'épreuve de la méthode standard A.S.T.M., D.86/59, réduit le volume de 50 pour cent au plus;

« mille »: le mille marin de 1.852 mètres, soit 6.080 pieds;

« hydrocarbure »: le pétrole brut, le fuel-oil, l'huile diesel lourde et l'huile de graissage; en anglais l'adjectif « oily » sera interprété en conséquence;

« mélange d'hydrocarbures »: tout mélange dont la teneur en hydrocarbures est égale ou supérieure à 100 parties d'hydrocarbures pour 1.000.000 de parties de mélange;

« Organisation »: l'Organisation intergouvernementale consultative de la navigation maritime;

« navires »: tous bâtiments de mer, quels qu'ils soient, y compris les engins flottants effectuant une navigation maritime soit par leurs propres moyens, soit à la remorque d'un autre navire; et « navires-citernes »: tous navires dans lesquels la plus grande partie de l'espace réservé à la cargaison est construit ou adapté en vue du transport de liquides en vrac, et qui au moment considéré ne transportent pas d'autre cargaison que des hydrocarbures dans cette partie de l'espace réservé à la cargaison.

2) Aux fins de la présente Convention, les territoires d'un Gouvernement contractant comprennent le territoire du pays de ce Gouvernement, ainsi que tout autre territoire dont les relations internationales relèvent de la responsabilité de ce Gouvernement et auquel la Convention aura été étendue en application de l'article XVIII.

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2. The existing text of Article II of the Convention is replaced by the following:

Article II

(1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except:

(*a*) tankers of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage, provided that each Contracting Government will take the necessary steps, so far as is reasonable and practicable, to apply the requirements of the Convention to such ships also, having regard to their size, service and the type of fuel used for their propulsion;

(*b*) ships for the time being engaged in the whaling industry when actually employed on whaling operations;

(*c*) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada;

(*d*) naval ships and ships for the time being used as naval auxiliaries.

(2) Each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the present Convention are, so far as is reasonable and practicable, applied to the ships referred to in subparagraph (*d*) of paragraph (1) of this Article.

3. The existing text of Article III of the Convention is replaced by the following:

Article III

Subject to the provisions of Articles IV and V:

(*a*) the discharge from a tanker to which the present Convention applies, within any of the prohibited zones referred to in Annex A to the Convention, of oil or oily mixture shall be prohibited;

(*b*) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be made as far as practicable from land. As from a date three years after that on which the Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, sub-paragraph (*a*) of this Article shall apply to a ship other than a tanker, except that the discharge of oil or of oily mixture from such a ship shall

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2. Le texte actuel de l'article II de la Convention est remplacé par le texte suivant:

Article II

1) La présente Convention s'applique aux navires immatriculés dans un territoire d'un Gouvernement contractant et aux navires non immatriculés ayant la nationalité de cette Partie, à l'exception:

a) **des navires-citernes dont la jauge brute est inférieure à 150 tonneaux et des navires, autres que les navires-citernes, dont la jauge brute est inférieure à 500 tonneaux, étant entendu que chaque Gouvernement contractant fera le nécessaire pour appliquer aussi les prescriptions de la Convention à ces navires dans la mesure où cela est raisonnable et possible, compte tenu de leurs dimensions, de leur utilisation et du type de combustible utilisé pour leur propulsion;**

b) **des navires utilisés par l'industrie de la pêche à la baleine lorsqu'ils sont effectivement en opération de pêche;**

c) **de tout navire navigant sur les Grands Lacs d'Amérique du Nord et les eaux qui les relient entre eux ou en sont tributaires et qui s'étendent à l'est jusqu'au débouché aval de l'écluse St-Lambert à Montréal, province de Québec, Canada, pendant la durée de cette navigation;**

d) **des navires de guerre et des navires employés comme navires auxiliaires de la Marine pendant la durée de ce service.**

2) Les Gouvernements contractants s'engagent à adopter les mesures appropriées pour que des prescriptions équivalentes à celles de la Convention soient appliquées aux navires visés à l'alinéa *d)* ci-dessus dans la mesure où cela est possible et raisonnable.

3. Le texte actuel de l'article III de la Convention est remplacé par le texte suivant:

Article III

Sous réserve des dispositions des articles IV et V ci-après:

a) **il sera interdit à tout navire-citerne auquel la présente Convention s'applique, de rejeter des hydrocarbures ou mélanges d'hydrocarbures dans les limites de l'une quelconque des zones d'interdiction prévues à l'annexe A de la Convention;**

b) **tout navire auquel la Convention s'applique et autre qu'un navire-citerne rejettera aussi loin de terre que possible les hydrocarbures et les mélanges d'hydrocarbures. A l'expiration d'un délai de trois ans suivant la date à laquelle la Convention entrera en vigueur pour un territoire, le paragraphe *a)* du présent article s'appliquera également aux navires, autres que les navires-citernes, qui relèvent de ce territoire, conformément à l'article II paragraphe 1) ci-dessus, étant entendu que le**

not be prohibited when the ship is proceeding to a port not provided with such facilities for ships other than tankers as are referred to in Article VIII;

(c) the discharge from a ship of 20,000 tons gross tonnage or more, to which the present Convention applies and for which the building contract is placed on or after the date on which this provision comes into force, of oil or oily mixture shall be prohibited. However, if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones referred to in Annex A to the Convention. The reasons for such discharge shall be reported to the Contracting Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II. Full details of such discharges shall be reported to the Organization at least every twelve months by Contracting Governments.

4. The existing text of Article IV of the Convention is replaced by the following:

Article IV

Article III shall not apply to:

(a) the discharge of oil or of oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea;

(b) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(c) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil, provided that such discharge is made as far from land as is practicable.

5. The existing text of Article V of the Convention is replaced by the following:

Article V

Article III shall not apply to the discharge from the bilges of a ship:

(a) during the period of twelve months following the date on which the present Convention comes into force for the relevant

rejet d'hydrocarbures ou de mélanges d'hydrocarbures ne sera pas interdit lorsque de tels navires auront pour destination un port qui ne sera pas pourvu des installations prévues à l'article VIII ci-après pour les navires autres que les navires-citernes;

c) le rejet d'hydrocarbures ou de mélanges d'hydrocarbures sera interdit à tout navire auquel la Convention s'applique, d'une jauge brute égale ou supérieure à 20.000 tonneaux et dont le contrat de construction aura été conclu à la date ou après la date à laquelle la présente disposition entrera en vigueur. Toutefois, si le capitaine estime que des circonstances particulières rendent déraisonnable ou impossible la conservation à bord de ces hydrocarbures ou mélanges d'hydrocarbures, le rejet pourra avoir lieu en dehors des zones d'interdiction visées à l'annexe A de la Convention. Les raisons qui ont justifié ce rejet seront communiquées au Gouvernement du territoire dont relève le navire, conformément à l'article II paragraphe 1) ci-dessus.

Tous renseignements relatifs à ces rejets seront communiqués à l'Organisation par les Gouvernements contractants au moins une fois par an.

4. Le texte actuel de l'article IV de la Convention est remplacé par le texte suivant:

Article IV

L'article III de la présente Convention ne s'appliquera pas:

a) au rejet d'hydrocarbures ou de mélanges d'hydrocarbures effectué par un navire pour assurer sa propre sécurité ou celle d'un autre navire, pour éviter une avarie au navire ou à la cargaison, ou sauver des vies humaines en mer;

b) au rejet d'hydrocarbures ou de mélanges d'hydrocarbures provenant d'une avarie ou d'une fuite impossible à éviter, si toutes les précautions raisonnables ont été prises après l'avarie ou la découverte de la fuite pour empêcher ou réduire ce rejet;

c) au rejet des résidues provenant de la purification ou de la clarification de fuel-oil ou d'huiles de graissage, pourvu que ce rejet soit effectué aussi loin de terre que possible.

5. Le texte actuel de l'article V de la Convention est remplacé par le texte suivant:

Article V

L'article III ne s'appliquera pas au rejet provenant des fonds de cale d'un navire:

a) de tout mélange d'hydrocarbures, pendant la période d'un an suivant la date à laquelle la Convention entrera en vigueur

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territory in respect of the ship in accordance with paragraph (1) of Article II, of oily mixture;

(b) after the expiration of such period, of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces.

6. The existing text of Article VI of the Convention is replaced by the following:

Article VI

(1) Any contravention of Articles III and IX shall be an offence punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II.

(2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea.

(3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.

7. The existing text of Article VII of the Convention is replaced by the following:

Article VII

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, so far as reasonable and practicable, the escape of fuel oil or heavy diesel oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

8. The existing text of Article VIII of the Convention is replaced by the following:

Article VIII

(1) Each Contracting Government shall take all appropriate steps to promote the provision of facilities as follows:

(a) according to the needs of ships using them, ports shall be provided with facilities adequate for the reception, without causing

pour le territoire dont relève le navire, conformément à l'article II paragraphe 1) ci-dessus;

b) après l'expiration de cette période, d'un mélange ne contenant pas d'autres hydrocarbures que de l'huile de graissage qui a coulé ou suinté hors de l'ensemble du compartiment des machines.

6. Le texte actuel de l'article VI de la Convention est remplacé par le texte suivant:

Article VI

1) Toute contravention aux dispositions des articles III et IX constitue une infraction punissable par la législation du territoire dont relève le navire, conformément à l'article II paragraphe 1) ci-dessus.

2) Les pénalités qu'un territoire d'un Gouvernement contractant imposera dans sa législation pour les rejets interdits d'hydrocarbures ou de mélanges d'hydrocarbures en dehors de sa mer territoriale devront, par leur rigueur, être de nature à décourager des contrevenants éventuels et ne devront pas être inférieures à celles prévues pour les mêmes infractions commises dans sa mer territoriale.

3) Les Gouvernements contractants porteront à la connaissance de l'Organisation les pénalties effectivement infligées pour les infractions commises.

7. Le texte actuel de l'article VII de la Convention est remplacé par le texte suivant:

Article VII

1) A l'expiration d'un délai d'un an après la date d'entrée en vigueur de la Convention pour le territoire dont relève le navire, conformément à l'article II paragraphe 1) ci-dessus, tout navire auquel la Convention s'applique devra être muni de dispositifs permettant d'éviter, autant qu'il est raisonnable et possible de le faire, que les fuites de fuel-oil ou d'huile diesel lourde parviennent dans les fonds de cale, à moins que des moyens efficaces ne soient prévus pour éviter que les hydrocarbures de ces fonds de cale ne soient déchargés à la mer en infraction à la Convention.

2) Le transport de l'eau de lest dans les soutes à combustible sera, si possible, évité.

8. Le texte actuel de l'article VIII de la Convention est remplacé par le texte suivant:

Article VIII

1) Chaque Gouvernement contractant prendra toutes mesures appropriées pour promouvoir la création des installations suivantes:

a) selon les besoins des navires qui les utilisent, les ports seront pourvus d'installations capables de recevoir, sans imposer aux

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undue delay to ships, of such residues and oily mixtures as would remain for disposal from ships other than tankers if the bulk of the water had been separated from the mixture;

(*b*) oil loading terminals shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by tankers;

(*c*) ship repair ports shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by all ships entering for repairs.

(2) Each Contracting Government shall determine which are the ports and oil loading terminals in its territories suitable for the purposes of sub-paragraphs (a), (b) and (c) of paragraph (1) of this Article.

(3) As regards paragraph (1) of this Article, each Contracting Government shall report to the Organization, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

9. The existing text of Article IX of the Convention is replaced by the following:

Article IX

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in Annex B to the Convention.

(2) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

(*a*) ballasting of and discharge of ballast from cargo tanks of tankers;

(*b*) cleaning of cargo tanks of tankers;

(*c*) settling in slop tanks and discharge of water from tankers;

(*d*) disposal from tankers of oily residues from slop tanks or other sources;

(*e*) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

(*f*) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

navires des retards anormaux, les résidus et mélanges d'hydrocarbures que les navires autres que les navires-citernes pourraient avoir à décharger après que la majeure partie de l'eau aura été séparée du mélange;

b) les points de chargement d'hydrocarbures devront être pourvus d'installations adéquates de réception pour les résidus et mélanges d'hydrocarbures que les navires-citernes auraient encore à décharger dans les mêmes conditions;

c) les ports de réparation des navires devront être pourvus d'installations adéquates de réception pour les résidus et mélanges d'hydrocarbures que devraient encore rejeter, dans les conditions précitées, tous les navires entrés au port pour y subir des réparations;

2) Pour l'application du présent article, chaque Gouvernement contractant décidera quels sont les ports et les points de chargement de son territoire qui sont à aménager conformément au paragraphe 1) ci-dessus.

3) Les Gouvernements contractants feront rapport à l'Organisation, pour transmission au Gouvernement contractant intéressé, sur tous les cas où ils estimeront insuffisantes les installations visées au paragraphe (1) ci-dessus.

9. Le texte actuel de l'article IX de la Convention est remplacé par le texte suivant:

Article IX

1) En ce qui concerne les navires auxquels la Convention s'applique, il sera tenu pour tous les navires-citernes ainsi que pour tous autres navires utilisant des hydrocarbures comme combustible, dans la forme définie à l'annexe B de la Convention, un registre des hydrocarbures qui pourra ou non être intégré dans le livre de bord réglementaire.

2) Les mentions devront être portées sur le registre des hydrocarbures chaque fois qu'il sera procédé à l'une quelconque des opérations suivantes à bord du navire:

a) lestage et rejet des eaux de lest des citernes de cargaison des navires-citernes;

b) nettoyage des citernes de cargaison des navires-citernes;

c) dépôt dans les citernes de décantation et rejet de l'eau des navires-citernes;

d) rejet par le navire-citerne des résidus d'hydrocarbures des citernes de décantation et d'autres origines;

e) lestage ou nettoyage en cours de traversée des soutes à combustible des navires autres que les navires-citernes;

f) rejet par les navires autres que les navires-citernes des résidus d'hydrocarbures des soutes à combustible et d'autres origines;

(*g*) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

In the event of such discharge or escape of oil or oily mixture as is referred to in sub-paragraph (*c*) of Article III or in Article IV, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(3) Each operation described in paragraph (2) of this Article shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship. The written entries in the oil record book shall be in an official language of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, or in English or French.

(4) Oil record books shall be kept in such a place as to be readily available for inspection at all reasonable times, and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(5) The competent authorities of any of the territories of a Contracting Government may inspect on board any ship to which the present Convention applies, while within a port in that territory, the oil record book required to be carried in the ship in compliance with the provisions of this Article, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

10. The existing text of Article X of the Convention is replaced by the following:

Article X

(1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government

g) rejet ou déversement accidentel ou exceptionnel d'hydrocarbures des navires-citernes ou des navires autres que les navires-citernes.

Dans le cas de rejets ou fuites d'hydrocarbures ou de mélanges d'hydrocarbures visés aux articles III *c)* et IV ci-dessus, déclaration devra en être faite dans le registre, avec indication des circonstances et des causes de ces rejets ou fuites.

3) Chacune des opérations mentionnées au paragraphe 2) ci-dessus sera intégralement et dès que possible consignée dans le registre des hydrocarbures, de manière que toutes les mentions correspondant à l'opération y soient inscrites. Chaque page sera signée par l'officier ou les officiers responsables des opérations en question et par le capitaine lorsque le navire sera armé. Les mentions seront écrites soit dans une langue officielle du territoire dont relève le navire conformément à l'article II, paragraphe 1) ci-dessus, soit en anglais ou en français.

4) Le registre des hydrocarbures sera conservé dans un endroit où il sera aisément accessible aux fins d'examen à tout moment raisonnable et, sauf pour les navires remorqués sans équipage, devra se trouver à bord du navire. Il devra demeurer disponible pendant une période de deux ans à compter de la dernière inscription.

5) Les autorités compétentes de tout territoire d'un Gouvernement contractant pourront examiner à bord des navires auxquels la Convention s'applique, pendant qu'ils se trouvent dans un port de ce territoire, le registre des hydrocarbures dont ils doivent être munis, conformément aux dispositions du présent article. Elles pourront en extraire des copies conformes et en exiger la certification par le capitaine du navire. Toute copie ainsi certifiée conforme par le capitaine du navire sera, en cas de poursuite, admissible en justice comme preuve des faits relatés dans le registre des hydrocarbures. Toute intervention des autorités compétentes en vertu des dispositions du présent paragraphe sera effectuée de la façon la plus expéditive possible et sans que le navire puisse être retardé de ce fait.

10. Le texte actuel de l'article X de la Convention est remplacé par le texte suivant:

Article X

1) Tout Gouvernement contractant pourra exposer par écrit au Gouvernement du territoire dont relève un navire, conformément à l'article II, paragraphe 1) ci-dessus, les points de fait établissant qu'il a été contrevenu à l'une des dispositions de la Convention par ce navire, et ce, quel que soit le lieu où la contravention qu'il allègue ait pu être commise. Dans toute la mesure du possible celle-ci sera portée à la connaissance du capitaine du navire par l'autorité compétente dépendant du premier des Gouvernements mentionnés ci-dessus.

2) Dès réception de l'exposé des faits, le second Gouvernement examinera l'affaire et pourra demander au premier de lui fournir sur la

to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Government and the Organization of the result of such proceedings.

11. The existing text of Article XIV of the Convention is replaced by the following:

Article XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Subject to Article XV, the Governments of States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention by:

(*a*) signature without reservation as to acceptance;
(*b*) signature subject to acceptance followed by acceptance, or
(*c*) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the present Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

12. The existing text of Article XVI of the Convention is replaced by the following:

Article XVI

(1) (*a*) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(*b*) Upon request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(2) (*a*) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization shall be communicated by the Organization to all Contracting Governments for their acceptance.

(*b*) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all

contravention alléguée des éléments de fait plus complets ou plus valables. Si le Gouvernement du territoire dont relève le navire estime que la preuve est suffisante pour permettre, conformément à sa législation, des poursuites du chef de la contravention alléguée contre l'armateur ou le capitaine du navire, il fera engager celles-ci aussitôt que possible et informera l'autre Gouvernement et l'Organisation de leurs résultats.

11. Le texte actuel de l'article XIV de la Convention est remplacé par le texte suivant:

Article XIV

1) La présente Convention demeurera ouverte à la signature pendant trois mois à dater de ce jour et ensuite à l'acceptation.

2) Sous réserve de l'article XV, les Gouvernements des Etats membres de l'ONU ou de l'une de ses institutions spécialisées ainsi que les parties au Statut de la Cour internationale de Justice, pourront devenir parties à la Convention par:

a) signature sans réserve quant à l'acceptation,
b) signature sous réserve d'acceptation suivie d'acceptation, ou
c) acceptation.

3) L'acceptation résultera du dépôt des instruments par chaque Gouvernement auprès du Bureau qui informera de toute signature ou acceptation, et de leur date, tous les Gouvernements ayant déjà signé ou accepté la Convention.

12. Le texte actuel de l'article XVI de la Convention est remplacé par le texte suivant:

Article XVI

1) *a)* La présente Convention peut être amendée par accord unanime entre les Gouvernements contractants.

b) A la demande d'un Gouvernement contractant, une proposition d'amendement doit être communiquée par l'Organisation à tous les Gouvernements contractants pour examen et acceptation au titre du présent paragraphe.

2) *a)* Un amendement à la présente Convention peut, à tout moment, être proposé à l'Organisation par un Gouvernement contractant. Si cette proposition est adoptée à la majorité des deux tiers par l'Assemblée de l'Organisation, sur une recommandation adoptée à la majorité des deux tiers par le Comité de la sécurité maritime de l'Organisation, elle doit être communiquée par celle-ci à tous les Gouvernements contractants en vue d'obtenir leur acceptation.

b) Toute recommandation de cette nature faite par le Comité de la sécurité maritime doit être communiquée par l'Organisa-

Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(3) (*a*) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(*b*) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (2) or (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (3) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(7) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

13. The existing text of Article XVIII of the Convention is replaced by the following:

Article XVIII

(1) (*a*) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing

tion à tous les Gouvernements contractants pour examen au moins six mois avant qu'elle soit examinée par l'Assemblée.

3) a) Une Conférence des Gouvernements, pour l'examen des amendements à la présente Convention proposés par l'un des Gouvernements contractants, doit être convoquée à n'importe quel moment par l'Organisation à la demande d'un tiers des Gouvernements contractants.

b) Tout amendement adopté à la majorité des deux tiers des Gouvernements contractants par cette Conférence doit être communiqué par l'Organisation à tous les Gouvernements contractants en vue d'obtenir leur acceptation.

4) Douze mois après la date de son acceptation par les deux tiers des Gouvernements contractants, un amendement communiqué pour acceptation aux Gouvernements contractants au titre des paragraphes 2) et 3) du présent article, entre en vigueur pour tous les Gouvernements contractants à l'exception de ceux qui, avant son entrée en vigueur, ont fait une déclaration aux termes de laquelle ils n'acceptent pas ledit amendement.

5) *L'Assemblée*, par un vote à la majorité des deux tiers comprenant les deux tiers des Gouvernements représentés au sein du Comité de la sécurité maritime, sous réserve de l'accord des deux tiers des Gouvernements contractants, ou une conférence convoquée aux termes du paragraphe 3) ci-dessus, par un vote à la majorité des deux tiers, peuvent décider au moment de l'adoption de l'amendement que celui-ci revêt une importance telle que tout Gouvernement contractant cessera d'être partie à la Convention à l'expiration d'un délai de douze mois à dater de l'entrée en vigueur de l'amendement, s'il a fait une déclaration en application du paragraphe 4) ci-dessus et s'il n'a pas accepté l'amendement dans le délai susvisé.

6) L'Organisation fera connaître à tous les Gouvernements contractants les amendements qui entrent en vigueur en application du présent article, ainsi que la date à laquelle ils prennent effet.

7) Toute acceptation ou déclaration dans le cadre du présent article doit être notifiée par écrit au Bureau qui notifiera à tous les Gouvernements contractants la réception de cette acceptation ou déclaration.

13. Le texte actuel de l'article XVIII de la Convention est remplacé par le texte suivant:

Article XVIII

1) a) Les Nations Unies, lorsqu'elles assument la responsabilité de l'administration d'un territoire, ou tout Gouvernement contractant chargé d'assurer les relations internationales d'un territoire, doivent, aussitôt que possible, procéder à des délibérations avec ce territoire pour s'efforcer de lui étendre l'application de la présente Convention et peuvent,

given to the Bureau declare that the Convention shall extend to such territory.

(*b*) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(2) (*a*) The United Nations in cases where they are the administering authority for a territory or any Contracting Government which has made a declaration under paragraph (1) of this Article, at any time after the expiry of a period of five years from the date on which the present Convention has been so extended to any territory, may by a notification in writing given to the Bureau after consultation with such territory declare that the Convention shall cease to extend to any such territory named in the notification.

(*b*) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph (1) of this Article, and of the termination of any such extension under the provisions of paragraph (2) stating in each case the date from which the Convention has been or will cease to be so extended.

14. The existing text of Annex A to the Convention is replaced by the following:

ANNEX A

PROHIBITED ZONES

(1) All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purposes of this Annex, the term 'from the nearest land' means 'from the base-line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958'. [1]

(2) The following sea areas, insofar as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

(*a*) *Pacific Ocean*
The Canadian Western Zone
The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

[1] TIAS 5639; 15 UST 1606.

à tout moment, par une notification écrite adressée au Bureau, déclarer que la présente Convention s'étend à un tel territoire.

b) L'application de la présente Convention sera étendue au territoire désigné dans la notification, à partir de la date de réception de celle-ci ou de telle autre date qui lui serait indiquée.

2) *a)* Les Nations Unies, lorsqu'elles assument la responsabilité de l'administration d'un territoire, ou tout Gouvernement contractant, qui ont fait une déclaration en vertu du paragraphe 1) du présent article, peuvent à tout moment, après l'expiration d'une période de cinq ans à partir de la date à laquelle l'application de la Convention a été ainsi étendue à un territoire, et après en avoir délibéré avec les autorités de ce territoire, déclarer par une notification écrite au Bureau, que la présente Convention cessera de s'appliquer audit territoire désigné dans la notification.

b) La présente Convention cessera de s'appliquer au territoire désigné dans la notification, au bout d'un an ou de toute autre période plus longue spécifiée dans la notification à partir de la date de réception de la notification par le Bureau.

3) Le Bureau doit notifier à tous les Gouvernements contractants l'extension de la présente Convention à tout territoire, en vertu des dispositions du paragraphe 1) du présent article et la cessation de cette extension, en vertu des dispositions du paragraphe 2), en spécifiant, dans chaque cas, la date à partir de laquelle la présente Convention est devenue applicable ou a cessé de l'être.

14. Le texte actuel de l'annexe A de la Convention est remplacé par le texte suivant:

ANNEXE A

ZONES D'INTERDICTION

1) Toutes les zones maritimes s'étendant sur une largeur de 50 milles à partir de la mer la plus proche seront des zones interdites.

Aux fins de la présente annexe, l'expression « à partir de la terre la plus proche » signifie « à partir de la ligne de base qui sert à déterminer la mer territoriale du territoire en question conformément à la Convention de Genève de 1958 sur la mer territoriale et la zone contiguë ».

2) Les zones maritimes suivantes, dans la mesure où elles s'étendent à plus de 50 milles à partir de la terre la plus proche, seront également des zones interdites:

a) *Océan Pacifique*

Zone occidentale canadienne

La zone occidentale canadienne s'étendra sur une largeur de 100 milles à partir de la terre la plus proche le long de la côte occidentale du Canada.

(b) *North Atlantic Ocean, North Sea and Baltic Sea*

(i) *The North-West Atlantic Zone*

The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47′ north, longitude 73° 43′ west to latitude 39° 55′ north, longitude 68° 34′ west thence to latitude 42° 05′ north, longitude 64° 37′ west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*

The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone*

The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

Latitude	*Longitude*
62° north	2° east,
64° north	00°
64° north	10° west,
60° north	14° west;
54° 30′ north	30° west,
53° north	40° west;
44° 20′ north	40° west,
44° 20′ north	30° west;
46° north	20° west, thence towards Cape Finisterre at the intersection of the 50-mile limit.

(v) *The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*

The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from

b) *Océan Atlantique nord, mer du Nord et mer Baltique*

i) *Zone atlantique nord-ouest*

La zone atlantique nord-ouest comprendra les régions maritimes à partir d'une ligne tracée depuis latitude 38° 47′ nord, longitude 73° 43′ ouest, jusqu'à latitude 39° 58′ nord, longitude 68° 34′ ouest, de là jusqu'à latitude 42° 05′ nord, longitude 64° 37′ ouest, et de là le long de la côte orientale du Canada à une distance de 100 milles de la terre la plus proche.

ii) *Zone d'Islande*

La zone d'Islande s'étendra sur une largeur de 100 milles à partir de la terre la plus proche le long de la côte d'Islande.

iii) *Zone norvégienne, mer du Nord et mer Baltique*

La zone norvégienne, mer du Nord et mer Baltique s'étendra sur une largeur de 100 milles à partir de la terre de la plus proche le long de la côte de Norvège, et comprendra la totalité de la mer du Nord, de la mer Baltique et de ses golfes.

iv) *Zone atlantique nord-est*

La zone atlantique nord-est comprendra les régions maritimes à l'intérieur d'une ligne tracée entre les positions suivantes:

latitude	*longitude*
62° nord	2° est,
64° nord	00°;
64° nord	10° ouest,
60° nord	14° ouest;
54° 30′ nord	30° ouest,
53° nord	40° ouest;
44° 20′ nord	40° ouest,
44° 20′ nord	30° ouest;
46° nord	20° ouest,

et à partir de là dans la direction du Cap Finisterre à l'intersection de la limite de 50 milles.

v) *Zone espagnole*

La zone espagnole comprendra les zones de l'océan Atlantique sur une largeur de 100 milles à partir de la terre la plus proche le long de la côte espagnole, et l'interdiction de cette zone prendra effet à la date à laquelle la présente Convention entrera en vigueur pour l'Espagne.

vi) *Zone portugaise*

La zone portugaise comprendra la partie de l'océan Atlantique sur une largeur de 100 milles à partir de la

the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

(c) *Mediterranean and Adriatic Seas*

The Mediterranean and Adriatic Zone

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(d) *Black Sea and Sea of Azov*

The Black Sea and Sea of Azov Zone

The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and Sea of Azov and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

Provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

(e) *Red Sea*

The Red Sea Zone

The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(f) *Persian Gulf*

(i) *The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*

The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

terre la plus proche le long de la côte portugaise, et l'interdiction de cette zone prendra effet à la date à laquelle la présente Convention entrera en vigueur en ce qui concerne le Portugal.

c) *Mers Méditerranée et Adriatique*
Zone méditerranénne et adriatique
La zone méditerranéenne et adriatique comprendra les régions maritimes sur une largeur de 100 milles à partir de la terre la plus proche le long des côtes de chaque territoire bordant la Méditerranée et la mer Adriatique et l'interdiction de cette zone prendra effet à la date d'entrée en vigueur de la présente Convention pour chacun de ces territoires.

d) *Mer Noire et mer d'Azov*
Zone de la mer Noire et de la mer d'Azov
La zone de la mer Noire et de la mer d'Azov comprendra les régions maritimes sur une distance de 100 milles à partir de la terre la plus proche le long des côtes de chaque territoire bordant la mer Noire et la mer d'Azov et l'interdiction de cette zone prendra effet à la date d'entrée en vigueur de la présente Convention pour chacun de ces territoires, étant entendu que la totalité de la mer Noire et de la mer d'Azov deviendra zone interdite à la date à laquelle la Convention entrera en vigueur à la fois pour la Roumanie et l'U.R.S.S.

e) *Mer Rouge*
Zone de la mer Rouge
La zone de la mer Rouge comprendra les régions maritimes sur une largeur de 100 milles à partir de la terre la plus proche le long des côtes de chaque territoire bordant la mer Rouge et l'interdiction de cette zone prendra effet à la date d'entrée en vigueur de la Convention pour chacun de ces territoires.

f) *Golfe Persique*

i) *Zone de Koweït*
La zone de Koweït comprendra la région maritime sur une largeur de 100 milles à partir de la terre la plus proche le long de la côte de Koweït.

ii) *Zone de l'Arabie séoudite*
La zone de l'Arabie séoudite comprendra la région maritime sur une largeur de 100 milles à partir de la terre la plus proche le long de la côte de l'Arabie séoudite, et l'interdiction de la zone prendra effet à la date à laquelle la présente Convention entrera en vigueur pour l'Arabie séoudite.

(g) *Arabian Sea, Bay of Bengal and Indian Ocean*

(i) *The Arabian Sea Zone*

The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

Latitude	*Longitude*
23° 33′ north	68° 20′ east,
23° 33′ north	67° 30′ east;
22° north	68° east,
20° north	70° east;
18° 55′ north	72° east,
15° 40′ north	72° 42′ east;
8° 30′ north	75° 48′ east,
7° 10′ north	76° 50′ east;
7° 10′ north	78° 14′ east,
9° 06′ north	79° 32′ east,

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*

The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

Latitude	*Longitude*
10° 15′ north	80° 50′ east,
14° 30′ north	81° 38′ east;
20° 20′ north	88° 10′ east,
20° 20′ north	89° east,

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*

The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(h) *Australia*

The Australian Zone

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the

g) *Mer d'Arabie, golfe du Bengale et océan Indien*

i) *Zone de la mer d'Arabie*

La zone de la mer d'Arabie comprendra les régions maritimes situées à l'intérieur d'une ligne tracée entre les positions suivantes:

Latitude	*Longitude*
23° 33′ nord	68° 20′ est,
23° 33′ nord	67° 30′ est;
22° nord	68° est,
20° nord	70° est;
18° 55′ nord	72° est,
15° 40′ nord	72° 42′ est;
8° 30′ nord	75° 48′ est,
7° 10′ nord	76° 50′ est;
7° 10′ nord	78° 14′ est,
9° 06′ nord	79° 32′ est,

et l'interdiction de la zone prendra effet à la date à laquelle la présente Convention entrera en vigueur pour l'Inde.

ii) *Zone côtière du golfe du Bengale*

La zone côtière du golfe du Bengale comprendra les régions maritimes situées entre la terre la plus proche et une ligne tracée entre les positions suivantes:

Latitude	*Longitude*
10° 15′ nord	80° 50′ est,
14° 30′ nord	81° 38′ est;
20° 20′ nord	88° 10′ est,
20° 20′ nord	89° est,

et l'interdiction prendra effet à la date à laquelle la présente Convention entrera en vigueur pour l'Inde.

iii) *Zone de Madagascar*

La zone de Madagascar comprendra la région maritime sur une largeur de 100 milles depuis la terre la plus proche le long de la côte de Madagascar à l'ouest du méridien du Cap d'Ambre au nord et du Cap Ste Marie au sud, et sur une largeur de 150 milles depuis la terre la plus proche le long de la côte de Madagascar à l'est de ces méridiens, et l'interdiction de cette zone prendra effet à la date à laquelle la présente Convention entrera en vigueur pour Madagascar.

h) *Australie*

Zone australienne

La zone australienne comprendra la région maritime sur une largeur de 150 milles à partir de la terre la plus proche le long des côtes de l'Australie excepté au large des côtes

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Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(3) (*a*) Any Contracting Government may propose:

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from the nearest land along any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period to the effect that it considers that the destruction of birds and adverse effects on fish and the marine organisms on which they feed would be likely to occur or that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(*b*) Any declaration under this paragraph shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the declaration.

(4) The Organization shall prepare a set of charts indicating the extent of the prohibited zones in force in accordance with paragraph (2) of this Annex and shall issue amendments thereto as may be necessary.

15. The following changes to be made in Annex B to the Convention:

1. Throughout the Annex replace the words 'Identity numbers of tank(s)' by 'Identity numbers of tank(s) concerned'.

2. In Form I(*a*) replace the words 'Place or position of ship' by 'Place or position of ship at time of discharge'.

3. In Form I(*d*) and Form II(*a*) and (*b*) replace the words 'Place or position of ship' by 'Place or position of ship at time of disposal'.

4. In Form I(*c*) add a new line 17 as follows: '17. Approximate quantities of water discharged' and re-number lines in (*d*) 18 to 20.

5. Delete the words 'from ship' in the headings of Forms I(*d*) and II(*b*).

6. In Form III replace the words 'Place or position of ship' by 'Place or position of ship at time of occurrence'.

septentrionale et occidentale du continent australien, entre le point situé en face de l'île Thursday Island et le point de la côte occidentale latitude 20° sud.

3) *a*) Chaque Gouvernement contractant peut proposer:

i) la réduction de toute zone le long de la côte de l'un quelconque de ses territoires;

ii) l'extension de toute zone de ce genre jusqu'à un maximum de 100 milles de la terre la plus proche le long de la côte en question.

Le Gouvernement contractant fera une déclaration à cette fin et la réduction ou l'extension prendra effet après l'expiration d'une période de six mois à compter de la date de cette déclaration, à moins que l'un des Gouvernements contractants ait, au moins deux mois avant l'expiration de cette période, fait une déclaration selon laquelle il n'accepte pas la réduction ou l'extension en question, soit en raison des risques causés aux poissons et aux organismes marins dont ils se nourrissent, soit parce que ses intérêts en seraient affectés du fait de la proximité de ses côtes ou en raison du fait que ses navires font du commerce dans ladite région.

b) Toute déclaration faite aux termes du présent paragraphe fera l'ojbet d'une notification écrite à l'Organisation qui informera tous les Gouvernements contractants de la réception de cette déclaration.

4) L'Organisation établira des cartes indiquant l'étendue des zones interdites conformément au paragraphe 2) de la présente annexe et publiera des amendements dans la mesure nécessaire.

15. Les modifications suivantes doivent être apportées à l'annexe B de la Convention:

1. Dans toute l'annexe B, remplacer les mots « numéro d'ordre de la (des) citerne(s) » par « numéro d'ordre de la (des) citerne(s) en cause ».

2. Dans le formulaire I*a*), remplacer les mots « emplacement ou position du navire » par « emplacement ou position du navire au moment du rejet ».

3. Dans le formulaire I*d*) et dans les formulaires II*a*) et *b*), remplacer les mots « emplacement et position du navire » par « emplacement et position du navire au moment du rejet ».

4. Dans le formulaire I*c*), ajouter la nouvelle ligne 17 suivante: « 17. Quantité approximative d'eau rejetée » et modifier en conséquence les numéros 18 à 20 du paragraphe (*d*).

5. Supprimer les mots « par le navire » dans le titre du formulaire I*d*) et du formulaire II*b*).

6. Dans le formulaire III, remplacer les mots « emplacement et position du navire » par « emplacement et position du navire au moment de l'événement ».

WHEREAS the Senate of the United States of America by their resolution of February 25, 1964, two-thirds of the Senators present concurring therein, did advise and consent to the acceptance of the said amendments;

WHEREAS the amendments were duly ratified and accepted by the President of the United States of America on September 9, 1966, in pursuance of the advice and consent of the Senate;

WHEREAS it is provided in paragraph (4) of Article XVI of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, that any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of that Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments;

WHEREAS instruments of acceptance of the said amendments were deposited with the Inter-Governmental Maritime Consultative Organization by Contracting Governments as follows: Poland, except as to the amendment to Article XIV, on January 28, 1963; France on April 29, 1963; Sweden on June 10, 1963; Canada on July 5, 1963; Kuwait on July 17, 1963; Norway on August 7, 1963; Liberia on August 21, 1963; the United Kingdom of Great Britain and Northern Ireland on August 28, 1963; the United Arab Republic on October 3, 1963; the Netherlands on December 23, 1963; Denmark on May 22, 1964; Ghana on October 19, 1964; Jordan on December 14, 1964; the Federal Republic of Germany on December 17, 1964; Malagasy Republic on June 21, 1965; Ireland on August 3, 1965; the Philippines on November 9, 1965; Belgium on February 10, 1966; Finland on March 14, 1966; Switzerland on May 11, 1966; Iceland on May 18, 1966; and Israel on June 28, 1966;

WHEREAS, as a consequence of the deposit by a Contracting Government (Iceland) of the twenty-first acceptance of the amendments to Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XVI, and XVIII and the amendments to Annexes A and B, two-thirds of the Contracting Governments to the Convention had accepted those amendments, which will accordingly come into force on May 18, 1967;

WHEREAS, as a consequence of the deposit on June 28, 1966 by a Contracting Government (Israel) of the twenty-first acceptance of the amendment to Article XIV, two-thirds of the Contracting Governments had accepted that amendment, which will accordingly come into force on June 28, 1967;

AND WHEREAS an instrument of acceptance of all of the aforesaid amendments was deposited by the Government of the United States of America on September 21, 1966;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, to the end that they shall be observed and fulfilled with good faith, on and after May 18,

1967 with respect to the amendments to Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XVI, and XVIII and the amendments to Annexes A and B, and on and after June 28, 1967 with respect to the amendment to Article XIV, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventh day of October in the year of our Lord one thousand nine hundred sixty-six and [SEAL] of the Independence of the United States of America the one hundred ninety-first.

LYNDON B. JOHNSON

By the President:
NICHOLAS DEB KATZENBACH
Acting Secretary of State

APPENDIX A

CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE[a]

The States Parties to this Convention Have Agreed as follows:

PART I: TERRITORIAL SEA

Section I. General

ARTICLE 1

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.

2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

ARTICLE 2

The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

Section II. Limits of the Territorial Sea

ARTICLE 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

ARTICLE 4

1. In localities where the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points

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[a] Adopted Apr. 27 (U.N. doc. A/CONF. 13/L. 52).

may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

3. Baselines shall not be drawn to and from low-tide elevations unless lighthouses or similar installations which are permanently above sea level have been built on them.

4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

5. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

6. The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given.

Article 5

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 14 to 23, shall exist in those waters.

Article 6

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 7

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of

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the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles, a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article 4 is applied.

Article 8

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

Article 9

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

Article 10

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.

2. The territorial sea of an island is measured in accordance with the provisions of these articles.

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Article 11

1. A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 12

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement betweeen them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

Article 13

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

Section III. Right of Innocent Passage

Sub-Section A. Rules Applicable to All Ships

Article 14

1. Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

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3. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

4. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

5. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

6. Submarines are required to navigate on the surface and to show their flag.

ARTICLE 15

1. The coastal State must not hamper innocent passage through the territorial sea.

2. The coastal State is required to give appropriate publicity to any dangers to navigation, of which it has knowledge, within its territorial sea.

ARTICLE 16

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state.

ARTICLE 17

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

Sub-Section B. Rules Applicable to Merchant Ships

Article 18

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

Article 19

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases:

(a) If the consequences of the crime extend to the coastal State; or

(b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or

(c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or

(d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 20

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

Sub-Section C. Rules Applicable to Government Ships Other Than Warships

Article 21

The rules contained in sub-sections A and B shall also apply to government ships operated for commercial purposes.

Article 22

1. The rules contained in sub-section A and in article 19 shall apply to government ships operated for non-commercial purposes.

2. With such exceptions as are contained in the provisions referred to in the preceding paragraphs, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Sub-Section D. Rule Applicable to Warships

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

PART II. CONTIGUOUS ZONE

Article 24

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(b) Punish infringement of the above regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

PART III. FINAL ARTICLES

Article 25

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

Article 26

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly to become a Party to the Convention.

Article 27

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 28

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 26. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 29

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 30

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 31

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 26:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 26, 27 and 28.

(b) Of the date on which this Convention will come into force, in accordance with article 29.

(c) Of requests for revision in accordance with article 30.

ARTICLE 32

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 26.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

Done at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

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SECTION II

Public Law 91-190
91st Congress, S. 1075
January 1, 1970

An Act

83 STAT. 852

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969". National Environmental Policy Act of 1969.

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. Policies and goals.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

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(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Administration.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5. United States Code, and shall accompany the proposal through the existing agency review processes;

Copies of statements, etc.; availability.

81 Stat. 54.

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

Review.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Report to Congress.

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Council on Environmental Quality.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

80 Stat. 416.

Duties and functions.

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

34 F. R. 8693.

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315). Tenure and compensation. 80 Stat. 460, 461. 81 Stat. 638.

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter. Appropriations.

Approved January 1, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-378, 91-378, pt. 2, accompanying H. R. 12549 (Comm. on Merchant Marine & Fisheries) and 91-765 (Comm. of Conference).
SENATE REPORT No. 91-296 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 115 (1969):
July 10: Considered and passed Senate.
Sept. 23: Considered and passed House, amended, in lieu of H. R. 12549.
Oct. 8: Senate disagreed to House amendments; agreed to conference.
Dec. 20: Senate agreed to conference report.
Dec. 22: House agreed to conference report.

Public Law 91-224
91st Congress, H. R. 4148
April 3, 1970

An Act

84 STAT. 91

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

84 STAT. 114

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91–190.

Office of Environmental Quality. Authorization. 83 Stat. 852.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of

Establishment.

the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. 83 Stat. 852.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget. Pay.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5. Duties. 84 STAT. 114 84 STAT. 115 5 USC 5101-5115; 5331-5338. 34 F.R. 9605. 5 USC 5332 note.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions. Contract authority.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report. Referral to congressional committees.

AUTHORIZATION

Appropriations.

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

83 Stat. 852.

Approved April 3, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-127 (Comm. on Public Works) and No. 91-940 (Comm. of Conference).
SENATE REPORT No. 91-351 accompanying S. 7 (Comm. on Public Works).
CONGRESSIONAL RECORD:
Vol. 115 (1969): Apr. 15, 16, considered and passed House.
Oct. 7, 8, considered and passed Senate, amended, in lieu of S. 7.
Vol. 116 (1970): Mar. 24, Senate agreed to conference report.
Mar. 25, House agreed to conference report.

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Executive Order 11514

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

SEC. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more

effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

SEC. 4. *Amendments of E.O. 11472.* Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget,", the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91-190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91-190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "(hereinafter referred to as the 'Citizens' Committee')".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

Richard Nixon

THE WHITE HOUSE,
March 5, 1970.

[F.R. Doc. 70-2861; Filed, Mar. 5, 1970; 2:29 p.m.]

Executive Order 11472

ESTABLISHING THE ENVIRONMENTAL QUALITY COUNCIL AND THE CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. ENVIRONMENTAL QUALITY COUNCIL

SECTION 101. *Establishment of the Council.* (a) There is hereby established the Environmental Quality Council (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following members:

The Vice President of the United States

Secretary of Agriculture

Secretary of Commerce

Secretary of Health, Education and Welfare

Secretary of Housing and Urban Development

Secretary of the Interior

Secretary of Transportation

and such other heads of departments and agencies and others as the President may from time to time direct.

(d) Each member of the Council may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend any meeting of the Council.

(e) When matters which affect the interest of Federal agencies the heads of which are not members of the Council are to be considered by the Council, the President or his representative may invite such agency heads or their alternates to participate in the deliberations of the Council.

(f) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Executive Secretary of the Council for Urban Affairs or their representatives may participate in the deliberations of the Environmental Quality Council as observers.

(g) The Science Adviser to the President shall be the Executive Secretary of the Council and shall assist the President in directing the affairs of the Council.

SEC. 102. *Functions of the Council.* (a) The Council shall advise and assist the President with respect to environmental quality matters and shall perform such other related duties as the President may from time to time prescribe. In addition thereto, the Council is directed to:

(1) Recommend measures to ensure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for monitoring and predicting environmental changes so as to achieve effective coverage and efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, State and local governments, and private organizations in environmental programs.

(4) Seek advancement of scientific knowledge of changes in the environment and encourage the development of technology to prevent or minimize adverse effects that endanger man's health and well-being.

(5) Stimulate public and private participation in programs and activities to protect against pollution of the Nation's air, water, and land and its living resources.

(6) Encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

(7) Assure assessment of new and changing technologies for their potential effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Council shall review plans and actions of Federal agencies affecting outdoor recreation and natural beauty. The Council may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions of this subsection, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies ways to accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) Development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways, (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas, (3) the management of Federal land and water resources, including fish and wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses, (4) cooperation with the States and their local subdivisions and private organizations and individuals in areas of mutual interest, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) leadership in a nationwide recreation and beautification effort.

(c) The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order.

SEC. 103. *Coordination.* The Secretary of the Interior may make available to the Council for coordination of outdoor recreation the authorities and resources available to him under the Act of May 28, 1963, 77 Stat. 49; to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting such coordination of other matters assigned to the Council by this order.

SEC. 104. *Assistance for the Council.* In compliance with provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Office of Science and Technology shall provide or arrange for necessary administrative and staff services, support, and facilities for the Council, and (2) each department and agency which has membership on the Council under Section 101(c) hereof shall furnish the Council such information and other assistance as may be available.

PART II. CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

SEC. 201. *Establishment of the Committee.* There is hereby established the Citizens' Advisory Committee on Environmental Quality (hereinafter referred to as the "Committee"). The Committee shall be composed of a chairman and not more than 14 other members appointed by the President. Appointments to membership on the Committee shall be for staggered terms, except that the chairman of the Committee shall serve until his successor is appointed.

SEC. 202. *Functions of the Committee.* The Committee shall advise the President and the Council on matters assigned to the Council by the provisions of this order.

SEC. 203. *Expenses.* Members of the Committee shall receive no compensation from the United States by reason of their services under this order but shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

SEC. 204. *Continuity.* Persons who on the date of this order are members of the Citizens' Advisory Committee on Recreation and Natural Beauty established by Executive Order No. 11278 of May 4, 1966, as amended, shall, until the expirations of their respective terms and without further action by the President, be members of the Committee established by the provisions of this Part in lieu of an equal number of the members provided for in section 201 of this order.

PART III. GENERAL PROVISIONS

SEC. 301. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 302. *Prior bodies and orders.* The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

(1) Executive Order No. 11278 of May 4, 1966.

(2) Executive Order No. 11359A of June 29, 1967.

(3) Executive Order No. 11402 of March 29, 1968.

Richard Nixon

THE WHITE HOUSE,
May 29, 1969.

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